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International Court of Justice

H0127-0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 9 May 1946, 1000-1300, Lord Justice Lawrence, presiding.

KARL DOENITZ -- Resumed

DIRECT EXAMINATION -- Continued

DR. KRANZBUEHLER: With the permission of the Tribunal, I will continue my examination of the witness.

BY DR. KRANZBUEHLER:

Q Grand Admiral, how many ships, during the course of the war, were sunk by German U-boats?

A According to the Allied figures, 2,472.

Q How many combat actions, according to your estimate, were necessary to do this?

A I believe the torpedoed ships are not included in this figure of 2,472; and, of course, each attack did not lead to success. I would estimate that in these five and a half years perhaps five to six thousand fights actually took place.

Q In these combats, did any of the U-boat commanders, who were subordinate to you, give voice to any objections about the manner in which the U-boats acted, according to instructions?

A No, never.

Q What would you have done with a commander who refused to carry out your instructions so far as U-boat warfare was concerned?

A First of all, I would have had him investigated, if the situation had been normal; I would have put him before a court-martial.

Q You could only have done that with a clear conscience if you yourself assumed the full responsibility for those orders which you either issued or which you transmitted?

A Naturally, I assumed that.

Q In battle engagements of U-boats, no doubt crews of merchant ships lost their lives. Did you consider crews of foreign merchantmen as soldiers or as civilians, and for what reasons?

A Germany considered the crews of merchantmen as combatants, because they fought with weapons which had been put aboard the merchant ships. Of course, matters were such that, according to our knowledge, one or two soldiers of the Royal Navy were on board for the servicing or use of these arms. That is, the servicing of these munitions was taken from the rest of the crew.

Q And what kind of armament was that?

A That varied according to the size of the weapon. It might have been between five and ten. Then, munitions hampers were also included. The same applied to the servicing of depth bomb charges and their tubes.

The members of the crew did, in fact, figure with the weapons, just as did the few soldiers who were present on board, and it was natural, of course, that the crew was considered as a unit. For instance, when we have a battleship we cannot distinguish between the man who is at the machine down in the boiler room and the man who services the gun up on deck.

Q This opinion that the members of the crews of hostile merchant ships were combatants -- did that have any influence on the question of whether they were to be rescued or could be rescued? Or didn't it have any influence?

A No, in no way. As a matter of course, each soldier had a right to be rescued if circumstances permitted. This fact did have an influence upon the rights of the crews to be attacked and fought.

Q Do you wish to say that they would fight as long as they were on board the ship?

A Yes, nothing else was to be considered. That is, actual fighting with weapons, which were used for the attack against the ship.

Q You know that the prosecution has submitted a document about a discussion between Adolf Hitler and the Japanese Ambassador, Oshima. This discussion took place on the 3rd of January, 1942. It is document GB-197, at page 34 of the document book of the prosecution. In this document Hitler

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promises the Japanese Ambassador that he will issue an order for the killing of those shipwrecked. The prosecution concludes from this document that Hitler actually gave such an order and that this order was carried out.

Did you, directly or through the Naval War Command, SKL, receive an order of this type?

A As far as this discussion is concerned, and this order, I heard about it through the submission of the record.

Q Grand Admiral, may I please ask you to answer my question? Did you receive a written order like that?

A No, I neither received a written nor an oral order. I did not know anything about this discussion at all, but I learned about this discussion through this piece of paper which was submitted to me here.

Q When did you see Hitler for the first time after the date of this discussion, that is, January 1942?

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A Together with Grand Admiral Raeder on the 14th of May 1942 I arrived at headquarters and told him about the situation in the U-boat warfare.

Q About this discussion with the Fuehrer we are in possession of a note and I would like to show you this note. It is Doenitz 16, to be found on page 29 of the Document Book 1.

DR. KRANZBUEHLER: I would like to submit this document as Doenitz Exhibit 16.

BY DR. KRANZBUEHLER:

Q I will read to you. The heading reads:

" Report of Commander in Chief of Submarines before the Fuehrer on 14 May 1942 in presence of supreme commander of Navy." That is Grand Admiral Raeder.

" Therefore it is necessary to improve the weapons of the submarines by all possible means, so that the submarines may resist. The most important development to that subject is the torpedo with rangepistol, which will increase precision of torpedoes shot against destroyers and therefore will put the submarine in a better position with regard to defense, and will in the first place also hasten essentially the speed of sinking of torpedoed ships. That way we econonize torpedoes and protect the submarine from the enemy defense, as it may leave the place of combat quicker."

And now, the decisive sentence:

"A rangepistol will also have the great advantage that the crew will not be able to rescue themselves on account of the quick sinking of the torpedoed ship. This greater loss of crews will no doubt cause difficulties for the assignment of crews for the great American construction program."

Does this last sentence which I read mean that which you just mentioned?

THE PRESIDENT: You seem to attach importance to this document. Therefore, you should not put a leading question upon it. You should ask the defendant what the document means, and not put your meaning on it.

BY DR. KRANZBUEHLER:

Q Grand Admiral, what were these espositions to mean?

A They were to mean that as a result of the discussion at the Fuehrer's headquarters it was to be of value to us to arrive at a reasonable magnetic detonator so that a more rapid sinking of the ships would result, so that in that way we

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would have those results which this report in the War Diary shows.

Q Can you tell me what success, as far as the crew is concerned, you mean in this connection?

A I mean that not as heretofore several torpedoes would be required, that in a long and maintained attack a ship would be sunk that way, but now just one torpedoe would be required or very few, and through that, a more quic loss of the ship and of the crew would be brought about.

Q In the course of this discussion with the Fuehrer was this question broached whether other means might be possible to aim at a loss of life among the crews?

A Yes. In that way.

Q And by whom?

A The Fuehrer broached this question that in the light of experience a large percentage of the crews because of the excellence of the rescue means -- a large percentage of these crews were returning home and would be used as crews on new ships; and he asked whether against these rescue ships there might not be some action taken.

Q What do you mean by "vorgehen" (action taken)?

A In this discussion, discussion at which Grand Admiral Raeder participated, I rejected it very unequivocally and declared and explained that the only possibility to bring about more lossess among the crews could be brought in such a way that already at the attack through the intensified use of weapons, a more quick sinking of the ship would result. Therefore this report in my War Diary. I believe, because I received knowledge here through the Prosecution of the discussion between the Fuehrer and Oschima, that this question by the Fuehrer to Admiral Raeder and Myself was caused through this discussion this discussion which he had at that time with Oschima.

Q About this discussion, there is an affidavit by Admiral Raeder. You know the contents. Are the contents in line with your memory of this discussi

A Yes. Completely.

DR. KRANZBUEHLER: Then I would like to submit to the Tribunal as Doenitz 17 the affidavit of Grand Admiral Raeder; since it has the same content, I may dispense with the reading of it.

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SIR DAVID MAXWELL-FYFE: I was going to say in case it might help the Tribunal, I understand the defendant Raeder will be going into the witness box; therefore, I make no formal objection to this affidavit going in.

THE PRESIDENT: Very well.

DR. KRANZBUEHLER: It has the Number Doenitz 17 and is found on page 33 of the Document Book 1.

BY DR. KRANZBUEHLER:

Q Now, you just said that you rejected the suggested killing of survivors in life-boats and told this to the Fuehrer. The prosecution has presented two documents, one an order from the Winter of 1939 to 1940, and a second order going to the Autumn of 1942, in which you limited and prohibited rescue measures. Isn't there a contradiction present in the orders and in your attitude as far as the proposal of the Fuehrer is concerned?

A No. These two things are not connected with each other in any way at all. You are to distinguish very sharply here between the question of rescue or non-rescue, and that is a question of military possibility. During a war there may be the necessity to rescue. For example, if your own ship is endanged thereby, it will be militarily wrong, and, to say parenthetically it would not be of value to the one who is being saved; and in no nation is any commander expected to rescue if his own ship is thereby endangered.

The British Navy is of the opinion, and correctly so, and their position is unequivocal and very clear, that rescueis to be denied, as is shown through their attitude and through their commands.

Q That is one point, Grand Admiral.

A I only spoke about the safety of the ship as a reason not to conside rescue, of course. There may be other reasons, such as it is clear that throug a war the mission is of first importance. No one will rescue, for instance, if after the subduing of one's opponent another opponent is present. Then, as a matter of course, the combating of the second opponent is more important than the rescue of those who have lost their ship; and the other series of question concerns itself with the fighting of those shipwrecked.

Q Grand Admiral, whom do you call shipwrecked? Who in your eyes is shipwrecked?

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Q Mr Great Admiral, whom do you call shipwrecked? Who in your eyes is shipwrecked?

A Shipwrecked persons are members of the crew who, after the sinking of their ship, are not able to fight any longer and are either in lifeboats or other rescue ships or who might be in the water. The combatting of these men is a question of soldierly ethics and under any and all circumstances is to be avoided. This avoidance is in the German Navy and U-boat warfare. With the exception of the one case, Eck, according to my definite and certain opinion, it was never exceeded. Never was there any order given in this connection, no matter what the decree might have been.

Q Now I will submit to you one of the decrees submitted by the Prosecution. It is your Permanent War Order Number 154.

DR. KRANZBUEHLER: It is number GB 196 and in my book may be found on pages 13 to 15.

Q I will have this order submitted to you, and I am asking you to turn to the last paragraph, which was read by the Prosecution. There it says, and I quote:

"Do not rescue crew-members nor take them along, and do not bother about boats of ships. Weather conditions and proximity of land are of no consequence. Concern yourself only with the safety of your own boat and try to achieve additional successes as soon as possible. We must be hard in this war. The enemy started it in order to destroy us, and we have to act accordingly."

The Prosecution has stated that this order went out at your order before May 1945. Can you fix the date a little more exactly?

A According to my recollection, this decree was issued by me at the end of November or the beginning of December 1939, and the reasons for my issuing the decree were as follows:

I had only a handful of U-boats at my disposal. In order, with this inadequate and small number, to bring about any effects, I had to come right up to the English coast, practically into the ports, and it came about that the magnetic mine was a very valuable weapon in war. Therefore

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I used these boats, equipped with mines and torpedoes, and, almost next to the ports, had them operate in waters close to the coast. We fought there in constant and close contact and under surveillance of shore patrols and air patrols. Each U-boat which was sighted or reported there was fought by every possible means by U-boat fighting units on the sea and in the air.

The U-boats themselves, almost without exception, had as their objectives of attack only ships which were protected. Therefore, it would have been suicide, in a position of that sort, the U-boat to surface and to rescue.

As far as the commanders were concerned, they were all very young. I was the only one who had seen service in the first world war. I had to tell them in great detail and with urgency. It was hard for a young commander to judge a situation as well as I could.

Q Did you have experience with the rescuing of ships?

A Yes. In the first month of the war, I had some very bitter experiences. I had very great losses on sea areas far removed from any coast, and very soon through the Geneva Red Cross I had information that many members of crews had been rescued. It was clear that these U-boats had been lost above the water. If they had been lost below the water, the survival of personnel would have been impossible. I also had reports, as far as the human side was concerned, that there had been rescues, but they had been militarily very difficult and dangerous for the U-boats so now, as a matter of course, where I did not want to fight in a free area but in waters adjacent to the coast, I had to warn the U-boats about the great danger of suicide.

Apart from that, and as a parallel, as a matter of course--and quite correctly--English U-boats in the Skagerrak and Kategat which were areas in which we dominated, the English had shown no concern for those who were shipwrecked, even though, without doubt, our defense was only a fraction of the British.

Q You say that that order applied to U-boats which were in the immediate presence of defensive measures. Can you show us from this

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document whether that is actually true?

A Yes, the entire order deals only with the presence of enemy defense. It says,for example, "After you are out of range, the best safety--"

Q Where are you reading, please?

A First of all, we deal with advancing, not with the attack. The warning against fliers is there, and this warning about defenses is the sense in which we are concerned with the march. Otherwise, I would not have given an order about marching. In Number Two, it deals with the time prior to the attack. Here we deal with the conquering of moral objections which every soldier has before an attack.

Q Great Admiral, you need only refer to those figures which show that we are concerned with the fighting against enemy defenses.

A Then I will quote from 2(d). It says, "The protection--that is, the destroyers--may not have depth charges. Should one fire into a convoy from close quarters and then be compelled to submerge, one could always lose oneself among other ships of the convoy and thus remain sage from depth charges."

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Then the next paragraph which deals with night conditions:

It says: "Stay above surface", and in staying above surface it perhaps goes in back of the ship, and everysailor knows that you should goaround the back; and, further, in the third paragraph, I am againremaining above water for a blind to the U-boat, and I say:

"One cannot determine where the hole is in order toescape the enemy, and there might be new attacks."

Then the figure C E, and that is3 C, and there it says:

"Should itbecome necessary during an attack on a convoy, because of being sighted by fliers, it isnecessary to submerge to a depth of 20 meters, because of danger of being sighted or rammed."

We are talking about a convoy. Now, we turn to point "D", and here it says:

"Should itbecome necessary to submerge to depth, because for example, the destroyer was proceeding directly toward the periscope, I believe in all instances he would then turn directions, and how one is to do and act under depth and attack, and the entire document -

THE PRESIDENT: I don't think it is necessary to go into all of these military tactics. He has made a point on paragraph "E". He has given his explanation of that paragraph, and I don't think it is necessary to go into all of these o her tactics.

THE WITNESS: Yes, I have concluded, Mr. President. I want tosay only the last paragraph about the non-rescue is not to be considered alone, and as such it has to be changed, first of all in this light; The U-boat in the presence of enemy defense had to be fighting near the English coast and in English ports, and secondly, the objectives were ships in convoys, or protected ships as is shown from the document and I say very clearly.

Q Yousaid that this order was given perhaps in December, 1939. Now after the issuance of this order did the German U-boats actually continue rescues?

A I said that this order was issued for this purpose during these winter months. The U-boats, and according to my memory after the Norway enterprise, went out into the Atlantic, and to these U-boats the general order of rescue applies, which was only limited in this way; In that it was said not to rescue if the secuurity or safety of your own ships did not permit it, and in this sense I would like to show the U-boats acted.

Q You wish to say then that you had reports from Commanders about rescue measures?

A Yes, I received reports, first of all, a report after the return, and then through the war diary.

Q When was this order which we have just discussed, when was it rescinded, that is, formally rescinded?

A To myknowledge this order was captured byEngland on June 13, and in very shallow waters in the downs near the mouth of the Thames. It had been destroyed thr ugh depth charges, and for this boat inMay,1940, this order still applied. Then in the year 1940, after the Norway Campaign, the center of gravity in this direction was again placed in the open waters of the Atlantic, and for this boat this decree would not apply as to the facts of the rescue measures which I have just explained also.

Then this order was rescinded completely by me for it contained and was the first tool as to how U-boats were to act toward a convoy, and then later it was not necessary to give instructions like that, for then the U-boat Commanders knew what they had to do and in my memory, at the latest, in November, 1940, the order was completely stricken.

Q Mr. Great Admiral, I have the table of contents of the Standing War Decree before me, dealing with the year 1942, and that may be found on page 16 of the document, and so I will hand it to you, and I wish to submit it as Doenitz No. 11. In this table of contents the number 154 deals with the order which I have just mentioned. This number is empty. Does itmean that this order did not apply any more?

A Yes, it had not been present for a long time.

Q When were the standing orders for the year 1942 put together?

A In the course of the year 1942.

Q Did you, by the reports of Commanders about rescue measures, did you object to these measures? Did you criticize or prohibit them?

A No, onthe whole as a rule, no, only if subsequently myfear was too great. If, for example, I had a report from a Commander to the effect that perhaps through hesitating too long with life boats, and perhaps a call had been made to the escorts for assistance and that he had been attacked by depth charges and had been damaged. That is something which would not have happened if he had left the scene of action. Then naturally I pointed out the

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things he had done militarily wrong in this connection, and I am of the opinion that I lost ships through rescue. Of course, I cannot prove that because the boats are gone, but with the complete mentality of the mind of the Commander, it is entirely natural, and every sailor is of the opinion that rescue is the noblest and most honorary thing he can do, and he knows that from the days of peace, and Ibelieve there was no officer in the Navy, and I believe it is trueof all the other nations in peace, who would not consider the medal ofrescue as the highest decoration he could have, and as a basic principle it is dangerous not to shift your position in war so that the security or safety of your own ship is first, and that war is a serious thing.

Q In what years did the practice you have just described remain, that is, that U-boats would not rescue when it was dangerous?

A 1940, in the year 1939 everything went according to plan,and at the end of 1939 boats were still operating, and then the different operations of 1940 which I have mentioned, and decree 154 applies during the Norway campaign, and then it went also into the spring of1940, and this order of rescue or non-rescue, if your ship was endangered, was for the years 1940, 1941 and1942.

Q Was this decree in writing?

A No, it was not necessary, but the general order about rescue was a matter of course, and not only at the beginning of the war it was contained in certain orders of the Naval WarfareCommand, and bythe limitation of non-rescue, if the safety of your ship was at stake, that is taken forgranted in every navy, and this was something I wasalways concerned with as I have stated.

Q In June of 1942, there was an order about the rescue ofCaptains, and this is your Number, Doenitz No. 22, Ibeg your pardon -- It isDoenitz No. 23, and is found on page 45 of the Document Book I. I will have this document submitted to you.

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"According to instructions received from Naval War Command, submarines receive the order from F. O. U-boats to take on board captains with their papers of ships sunk, if it is possible without endangering the boat or without impairing the fighting capacity."

How did this order come about? I did not quite understnad. What were the antecedents?

A Here we are concerned with an order of the naval war command that captains are to be taken prisoner and that means to take them home, which, of course, is something different again from the matter of rescue. The naval war command -- and rightly -- was of the opinion that if we could not cause or bring about a high percentage, say 80 to 90 percent, of the crews of the sunk merchant-men home, to which rescue orders we gave our support, which of course was taken for granted, then at least it is important that we have the most important and significant parts of the crews, that is, the captains -- have them taken away from our enemy for reassignment. That is why the decree to take the captains from their lifeboats and to take them along on the U-Boats as prisoners was issued.

Q Did this decree exist in this or another form until the end of the war?

A Yes, it was incorporated into the standing orders of the Naval War Command.

Q Was it carried through until the end of the war and if so with what results?

A Yes, according to my recollection, now and then in the last few years of the war it was maintained. But in general the result of this order was very slight. I personally can remember only a few cases. But through letters which I received from my commanders, and which I have read, I saw that there were a few more cases than I at first believed, altogetherperhaps ten or twelve cases at the most.

Q To what do you attribute the fact that despite this express order just a few captains that were taken prisoner? How do you account for that?

A The chief reason, without doubt, was this: That the mass of the U-boats attacked enemy convoys, as the convoy system of the enemy was perfected

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and the great bulk of the U-Boats were used in that connection. In the other few cases, for reasons of safety of the ship, there wasn't always an approach to thelifeboats; it wasn't always possible to pick up such a captain. And thirdly, I believe that the commanders of the U-Boats objected, and I believe correctly. They did not want to have a captain on board as long as all that. In any event, I know that the commanders were not happy about this order in any respect.

Q Mr. Grand Admiral, now I shall turn to a document which is really to be termed the nucleus of the accusation against you. It is Document GB-99, page 36 of the British Document Book. It is your wireless message of the 17th of September, about which the Prosecution asserts it to be a decree as to the destruction of those shipwrecked. It is of such importance that I wish to read this order to you. It is addressed to all commanding officers:

"1. No attempt of any kind must be made at rescuing members of ships sunk and this includes picking up persons in the water and putting them in lifeboats, righting capsized lifeboats and handing over food and water. Rescue runs counter to the rudimentary demands of warfare for the destruction of enemy ships and crews.

"2. Orders for bringing in captains and chief engineers still apply.

"3. Rescue the shipwrecked only if their statements will be of importance for your boat.

"4. Be harsh, having in mind that the enemy takes no regard of women or children in his bombing attacks on German cities."

Please describe to the Tribural the antecedents of this order, which is decisive for the intentions connected with it. Describe first of all the military positi n in general, the situation out of which it arose.

A In September of 1942 the great bulk of the German U-Boats fought convoys. In the North Atlantic the centre of gravity in the use of U-Boats for theprotection of convoys operated between England and America. In the same way, the U-Boats which fought in the North Sea also attacked convoys. There was nothing else. The same thing applied to the Mediterrainean. There also the object of our fight was the convoy. Beyond that, a part of the boats were used to operate directly to American ports, like New York and other

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ports.

A small number of U-Boats fought in the war, open areas of the middle or South Atlantic, and the criterion was that everywhere and in increasingly large numbers the surveillance by the American air force was taking place. There was a patrolling. And that was the point which caused me great concern, for as a matter of course, the airplane is the most dangerous threat to the U-Boat, especially because of its speed. And that was not a matter of fiction on my part. For since the beginning of the summer of 1942 -- that is, a few months before September, before the decree was issued -- the losses of our U-Boats through air attacks was tremendous and they arose more than 300 per cent.

Q Mr. Grand Admiral, for clarification of this point, I am giving a diagram to you, a diagram which I would like to submit to the High Tribunal as Doenitz 99. Will you show us the curve of losses, using the diagram?

A- It is very clear that this diagram showing the losses of U-Boats corroborates the statements which I have just made. One can see that up until June of 1942 U-Boats losses were kept within reasonable limits and that suddenly in July, 1942, that came about which I have just described. If the losses up to now per month, as the diagram shows, changed to 4, 5, 3, 4, or 2 U-Boats, so in July per month the losses jumped ten, eleven, 8, 13, 14. And the two winter months follow, which were used for overhauling of ships, and the tendency of losses is not concerned with this problem here.

Developments caused me the greatest concern and brought about a number of orders to the commanders as to how they were to act while they were on the surface, and that is wherethe losses came about, because the airplane could sight them, that they were to limit their surface activities as much as possible. And I was also giving our memorandums to the SKL --

Q What was that, in July, 1942?

A Yes. SKL is Navy War Command.

There, at the pinnacle of my success, I painted a picture of the future, that air power might stifle us some day and force us into the water.

Despite these huge successes which I still had at that time, my fears for the future were great, and that that is not imagination on my part is shown by the losses which ensued. After the submarines left their dock, that is, about February, 1941, there was a loss of 18 boats. In March, there were 15; in April, 14. And then the losses jumped to 38.

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The airplane and surveillance through airplanes and the armament of planes through Radar -- which in my opinion, next to the atom bomb, is the most decisive war winning invention of this war, an invention by the Anglo-Americans -- these brought about the collapse of the U-boat warfare. This forced me into the water for I could not maintain my position on the surface. Not only was I put out of position when the airplane saw me but it was already many miles, up to sixty sea miles beyond there, beyond range or sight. Through this Radar apparatus, this development, and the necessity to remain submerged during the day as well as the night -- of course this was an impossibility with the old U-boats; at least for recharging of their motors they had to surface -- this development forced me, therefore, as far as the old U-boats were concerned, to have them fitted with the so-called "Schnorchel". This was an entirely new U-boat weapon which made it possible for them to stay in the water and they could travel from Germany to Japan without surfacing at all. You can see, therefore, that I was in a very dangerous situation, a situation which was dangerous and which was increasing.

Q Mr. Grand Admiral, in order to characterize the situation I would like to confront you with your War Diary of this time. This will have the number Doenitz 18, found on Page 32, Volume 1. I am confronting you with the entries from the 2nd until the 14th of September by showing just the contents. Page 32. On the 2nd of September: U 256 surprised and bombed by aircraft; unfit for sailing and diving; on the 3rd of September: Aircraft sights U-boat; on the 4th of September: U 756 did not report, must be presumed lost; on the 5th of September: Aircraft sights U-boat; on the 6th of September: U 705 probably lost through enemy aircraft attack- 7th of September: U 130 bombed by Boeing Bomber; 8th of September: U 202 on trip through Biscay bombed by aircraft; 9th of September --

THE PRESIDENT: Dr. Kranzbuehler, the defendant has already told us of the losses and of the reason for the losses. What is the good of giving us details of the fact that U-boats were fighting aircraft?

DR. KRANZBUEHLER: I wanted to show therewith, Mr. President, that the testimony of Admiral Doenitz is confirmed through his entries in his diary at

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that time. But if the Tribunal is not --

THE PRESIDENT: We can read it. Anyhow, if you just draw our attention to the document we will read it. We don't need you to read the details of it.

DR. KRANZBUEHLER* Yes, Mr. President. Very well.

THE WITNESS: That is a typical and characteristic entry in my war diary just in those days before the issuance of my decree; but I wanted to say the following as well : The aircraft was so very dangerous and especially for psychological reasons. Why, perhaps in just one moment the commander of the U-boat considered his situation as perfectly clear if the aircraft is not present and in the next moment, when the aircraft is in sight, his situation is already hopeless. And that happened not only to young commanders but to old experienced commanders who remembered the good old days. Perhaps I may, but briefly, describe this with an example. A U-boat needs one minute, practically one minute, for the crew to come in through the hatch to submerge. An airplane flies on the average in one minute six thousand meters. The U-boat, therefore, must, in order to be able to submerge at all -- so that it will not be attacked while it is still on the surface -- the U-boat must sight the aircraft from a distance of six thousand meters at least. But that is not sufficient, for if the U-boat has submerged it still has not reached its safety depth. The U-boat, therefore, must see the airplane before that and almost at the limit of perspicasity. Therefore, -- and this is the condition so that you might meet with success -- the U-boat is in a matter of constant alertness and a state of alarm and that means above all that it should proceed at maximum speed, because the faster the speed the faster the U-boat can submerge; and, secondly, that as few people as possible are on the tower of the U-boat, so that the going in of the people into the U-boat and the closing of the hatch can be done as soon as possible, that there shall be no

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crew on the upper deck, and so on. All of those things interrupt the state of alertness of the U-boat completely. In that case, the U-boat would be hopelessly delivered to any air attack.

DR. KRANZBUEHLER: Mr. President, I wish to consult on the case and I am reluctant to interrupt. If it is agreeable to the High Tribunal, I would suggest that we have our recess now.

(A recess was taken.)

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Q Great Admiral, you have just described the supremacy in the air of the enemy in September, 1942. During these days of September you received the report about the sinking of the British transport boat "Laconia." I submit to the Tribunal the war diaries concerning that incident under number Doenitz 18, 20, 21 and 22. These are the war diaries of the flag officer of the U-boats in question under Hartenstein, Schacht and Wuerdemann. They are reproduced in the document book on page 34 and following pages. I shall read to you the report which you have received. That is on page 34 of the document book under 13 September, the time 0125, and I read:

"Wireless message sent on America circuit:

"Sunk by Hartenstein British ship Laconia."

Then the position is given and the message continues:

"Unfortunately with 1,500 Italian prisoners of war. Up to now picked up 90,157" -- then the details, and the end is : "request orders."

I had the document submitted to you on--

THE PRESIDENT: Where are you now?

DR. KRANZBUEHLER: On page 35, Mr. President, the entry of the 13th of September, time 0125, the beginning of the line; it is on the bottom of the page, second paragraph from the bottom of the page.

BY DR. KRANZBUEHLER:

Q (continuing) I had the documents submitted to you to refresh your memory. Please tell me, first, what your impression or what your knowledge was about that ship Laconia, which had been reported sunk and of its crew.

A I knew, according to the handbook of the armed British ships which we had at our disposal, that the Laconia was armed with fourteen guns. I had to expect, therefore, that it would have at least a British crew of about 500 men. When I found out that there were also Italian prisoners on board, it was clear to me that the number would be increased by the necessary guards for the prisoners.

Q Please describe to us now on the basis of the material the events which became necessary by your order of the 17th of September and emphasize, if you please, first, the question of rescue or non-rescue of British or Italians; and, secondly, your concern for the safety of the U-boats in question.

H0127 - 0021

A When I received that report, I tried to get in touch with all U-boats that were in that area. I issued the order: "Schacht, Group Eisbaer, Wuerdemann and Wilamowitz, proceed to Hartenstein immediately." Hartenstein was the commander of the group. Later, I had to have several boat deviate from their course because their distance was too great. The one that was furthest away and received orders to participate in the rescue was 700 miles away. Therefore, he could reach the port only after about two days.

First of all, Hartenstein, who was the commander who had sunk the ship -- I had asked Hartenstein whether the Laconia had sent out wireless messages because I hoped that thereby American rescue ships would approach. He confirmed it and, besides, Hartensin, himself, sent the following wireless message in English.

DR. KRANZBUEHLER: That is on page 36, Mr. President, under time figure 0600.

A (continuing) "If any ship will assist the shipwrecked Laconia crew, I will not attack her, providing I am not being attacked by ship or air force.

Then in conclusion, to be brief, I gained the impression from the reports of the U-boats that with great devotion they started the rescue.

Q How many U-boats were there?

A There were three or four submarines. I received reports which mentioned the figures of those rescued between one hundred and two hundred. I believe Hartenstein had 156 in one submarine, 131 in another. I received reports about supply and taking over the crews of lifeboats; once thirty-five Italians and twenty-five Englishmen and four Poles, and, another time, thirty Italians and twenty-four Englishmen; the third time, twenty-six Italians and thirty-nine Englishmen and three Poles. I received reports about the towing of lifeboats, and all these reports caused me the greatest concern because I knew quite well that could not end well.

My concern at that time was expressed in four different messages to the submarines. "Take only as many lifeboat survivors so that you will still have your chance for diving." It is clear that, if such a narrow space in the U-boat is crowded, additionally by 100 to 200 people, the U-boat is absolutely in danger as such, not to speak about the possibility for fighting

H0127-0022

Furthermore, I sent the message: "All boats--"

THE PRESIDENT: Are these messages in the document?

DR. KRANZBUEHIER: Yes.

THE PRESIDENT: Well, where are they? Why did he not refer to the time of them?

DR. KRANZBUEHIER: These are all messages which are contained in the three diaries. The first message is on page 36, Mr. President, under date-time group 0720. I will read it.

"Wireless message received:" That is a message from Admiral Doenitz. "Hartenstein remain near place of sinking. Secure all clear for diving. Detailed boats to take over only as many as to remain clear for diving."

A (Continuing) Then I sent another message:

"Safety of U-boat is not to be endangered under any circumstances."

DR. KRANZBUEHIER: This message is on page 40, Mr. President, under date-time group of 17 September, 0140 hours.

A (Continuing) "Take all measures ruthlessly, including discontinuance of rescue activities."

Furthermore, I sent the message:

"Boats must at all times be clear for crashdiving and underwater use."

That is under 0330 on the same page.

Q On page 37, under 0740, figure 3.

A "Beware of enemy interference by airplanes and submarines."

THE PRESIDENT: Did you say page 37?

DR. KRANZBUEHIER: Page 37.

THE PRESIDENT: What time?

DR. KRANZBUEHIER: The time 0740, figure 3.

THE PRESIDENT: Yes.

BY DR. KRANZBUEHIER:

Q "All boats, also Hartenstein, take in as many people when boats under-water are completely ready for use."

A And that my concern was justified could be seen clearly from the report which was received from Hartenstein, which said that we had been attacked by bombs from an American bomber.

H0127 - 0023

DR. KRANZBUEHLER: These messages, Mr. President, are on page 39, under time group 1311, an emergency report. Under 2304 there is a detailed report which I should like to read.

THE WITNESS: At this occasion --

DR. KRANZBUEHLER: One moment, Great Admiral.

The report is:

"Radiogram sent: von Hartenstein to Admiral Doenitz. Bombed five time by American Liberator in low flight when towing four full boats in spite of Red Cross flag on bridge and good sight. Both periscopes at present out of order. Breaking off rescue; all off board; putting out to West. Will repair."

THE WITNESS: Hartenstein, on that occasion, as can be seen from a later report, also had 55 Englishmen and 55 Italians on board his submarine. At the occasion of the first attack by bombs, one of the lifeboats capsized, since it had been hit by a bomb, and according to his report there were great losses of those that had been rescued before.

At the second attack, one bomb exploded right under the middle of the submarine, and damaged the submarine seriously, and he reported that it was only by a miracle of shipbuilding technique that the submarine did not fall to pieces.

THE PRESIDENT: Where has he gone to now? What page is he on?

DR. KRANZBUEHLER: He is speaking about the events which are described on pages 28 and 39, Mr. President.

THE PRESIDENT: It would help the Tribunal, you know, if you kept some sort of order instead of going on to one page and then to 40, and then back to 38.

DR. KRANZBUEHLER: The reason is that we are using two different war diaries, Mr. President.

BY DR. KRANZBUEHLER:

Q Great Admiral, would you tell us now what measures you took after the report by Hartenstein that he had been attacked repeatedly at the occasion of rescue measures.

A I deliberated whether after these experiences I should not break of

H0127-0024

all attempts at rescue, and beyond doubt, from the point of view of military considerations that would have been the right thing to do, because the attack showed clearly in what way U-Boats were endangered.

That decision became more grave for me because I received a call from the Naval War Command that the Fuehrer did not want me to risk any submarines for rescues or to pull them from other areas. It came to a very temperamental conference with my staff, and as I can remember very clearly, I summed it up with the statement, "I cannot throw these people into the water."

Of course, it was clear to me that in the event of further losses which would occur, I would have to assume full responsibility, and from the military point of view continuance of rescues was wrong. Of that, I received proof from Submarine U-506 of Wuerdemann, who also reported -- I believe on the following morning -- that he was bombed by an airplane.

DR. KRANZBUEHLER: That report, Mr. President, is on page 42 in the War Diary of Wuerdemann, an entry of 17 September, under the time group 23:43. It is the last on the page, an outgoing wireless:

"Mission on 'Annamite' completed." Then the details, "Attacked by heavy sea plane at noon. Fully ready for action."

A (Continuing): The third submarine, Schacht's, the U-507, had sent a wireless that he had so many men on board and was towing four lifeboats with Englishmen and Poles.

DR. KRANZBUEHLER: That is the report on page 40, the first report, top of the page.

A (Continuing): Thereupon, of course, I ordered him to let go of that tow because with those boats he could not dive in any way. Later, he again sent a long message, speaking about the supplying of Italians and Englishmen in the boats.

DR. KRANZBUEHLER: That is on page 41, under time group 23:10. I shall read that message:

"Transferred 163 Italians to Anamite." The Anamite was a French cruiser which had been called to rescue. "Navigation officer of Laconia and other English officer aboard ship. Seven lifeboats with about 330

H0127 -0025

Englishmen and Poles, among them 15 women and 16 children deposited at Qu. FE 9612. Kept women and children aboard ship for one night. Supplied all shipwrecked with hot meal and drinks, clothed and bandaged as far as necessary. Sighted four more boats at sea anchor Qu. FE 9619."

Then there are some further details which are not important.

A (Continuing): Because I had ordered him to let go of the lifeboats and that report was considered a later report by us, he was admonished by another message, and from that, the Prosecution by error concluded that I had prohibited the rescue

H0127 - 0026

of Englishmen. That I did not do that can be seen from the fact that I did not do anything about the many reports concerning the rescuing of Englishmen.

However, in the end I did have the impression that the Italians did not come off very well on the occasion of the rescue. That this impresssion was correct can be seen from the figures of those rescued. Of 811 Englishmen, about 800 were rescued, and of 1,800 Italians, 450.

BY DR. KRANZBUEHLER:

Q Great Admiral, I should like once more to clarify the date of that entire action. The Laconia was torpedoed on the 12th of September. When was the air attack on the lifeboats?

A On the 16th.

Q On the night of the 16th? On the 17th?

A On the 16th.

Q On the 16th of September. So the rescue action took how many days all together?

A Four days.

Q And it was continued after then until when?

A Until we turned them over to the French warships which we had requested.

Q What is the connection, now, between this incident of the Laconia which you have just described, and the order which the Prosecution put to you as the destruction order?

A My impression, based on the great concern which I continuously h had about the submarines, in addition to the strong feelin g that the Anglo-American side in spite of the

H0127 - 0027

proximity did not help, was this basic impression which I received from that event, that the time had passed when U-Boats could carry out such actions on the surface without danger. As can be seen from the two bombing attacks, in spite of good weather, in spite of large numbers to be rescued, which were clearly visible as such to the aviators, the danger to the submarines was so great that asthe one who was responsible for the boats and the lives of the crews, I had to prohibit rescues.

In the face of the ever-present tremendous Anglo-American air force- and I cannot express it any differently, and I should like to mention, as an example, that all the submarines which took part in that rescue action were lost by bombing attack at their next action -- the situation was such that it was contrary to thebasic common-sense of warfare and to any primitive law of warfare to carry out a rescue under the greatest danger for oneself and to be killed on that occasion by the enemy.

H0127-0028

Q In the opinion of the prosecution, Great Admiral, you used that incident in order to carry out an idea which you had had previously; that is, to kill survivors in the future. Please, will you say anything to that.

A I could not even make a statement in the face of such an accusation. The subject was to rescue or not to rescue; the whole development of that order, however, speaks clearly against it. The fact that we had rescued with devotion and were bombed while doing so-- and it is also a fact that the U-boat Command, that is myself, was faced with the serious decision and was putting myself on the wrong side, military speaking, on the humane side-- so I have to say that I don't believe any more words have to be lost.

Q Great Admiral, I have to put to you, however, the formulation of that order. I have read it before. In the second sectence, we read: "Rescue is contrary to the most primitive laws of warfare after destruction of ships and men," What do you mean by that sentence?

A That sentence, of course, is a reason. The prosecution said that it would have been easy to order, because safety was not permitter, concerns of safety, about the predominance of the air force -- that I had order continuously, and we have seen just now, also in the case of the event of the "Laconia", I had ordered that four times. That was an old record, if I may use that expression, and I was now concerned to give a reason to the commanders of the submarines which would forestall all discretion of the commanders or on decisions of the commander because I had always made the experience that for the reasons mentioned before, the situation, since the sky was still clear, was considered too favorable by the boats and then the submarine was lost, or that one commander was no more able to make decision, such as the "Laconia" case showed; therefore under no circumstance whatsoever did I want to give the old reason which again would give the opportunity to the U-boat commander to say "Well, there is no danger from the air attack and to make his own dicision; for instance, to make up his mind, since there was no danger from the air attack; and I wanted to make sure that that discussion sh should not arrive in the mind of one of these U-boat commanders or that he might say that if one rescued the enemy and at that occasion is killed by the enemy, th this contradicts the most primitive laws of warfare. I could have said that, too

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but I didn't want to say that either; therefore I have put that sentence here as it stands.

THE PRESIDENT: You haven't referred us back to the order, but are you referring to page 36 of the prosecution's trial brief or rather British Document Book?

DR. KRANZBUEHLER: Yes, Mr. President, page 36 of the British Document Book.

THE PRESIDENT: There are two orders there, are there not?

DR. KRANZBUEHLER: No. That is one, one order, four figures.

THE PRESIDENT: Well, there are two paragraphs, aren't there? There is paragraph 1 and there is paragraph 2 of the 17th of September 1942.

DR. KRANZBUEHLER: Mr. President, you probably mean the excerpt from the War Diary of the Commander of the U-boats or the Flag Officer of the U-boats, which is also on page 36 in the document book.

THE PRESIDENT: Hadn't you better read the phrase that you are referring to?

DR. KRANZBUEHLER: Yes. I speak now about the second sentence in the order of the 17th of September, under figure one, which is on page 36 of the document book of the prosecution.

THE PRESIDENT: Yes.

DR. KRANZBUEHLER: The second sentence : "Rescue is against the most primitive laws of warfare after the destruction of the enemy ship and crew". That is the sentence to which Doenitz referred just now.

THE PRESIDENT: On page 36, the first order is an order to "All Commanding Officers" and paragraph one of it begins :" No attempt of any kind must be made at rescuing members of ships .." Is that the paragraph you are referring to?

DR. KRANZBUEHLER: Yes, yes, and of that I mean the second sentence., Mr. President, the rescue contrary to the rules of warfare.

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THE PRESIDENT: What about the next paragraph, 17th of September 1942, paragraph 2?

DR. KRANZBUEHLER: That, I just wanted to put to him. That is an entry in the diary about which I wans to ask him now.

BY DR. KRANZBUEHLER:

Q Great Admiral, I put to you now an entry of your war diary of the 17th September, and there we find "Commanders are again advised that attempts at rescue of crews of sunk ships are contrary to the most primitive rules of warfare after the destruction of enemy ships and their crews. Orders about picking up of captains and chief engineers remain."

THE PRESIDENT: It is differently translated in our document book. You said: "After destruction of enemy ships..." In our translation it is "...by annihilating enemy ships and their crews."

DR. KRANSBUEHLER: It should be "by", Mr. President, not "after."

THE WITNESS: This entry in the war diary refers to that wireless message and refers to the four messages which I had sent during the case of the "Laconia" sinking.

BY DR. KRANZBUEHLER:

Q One moment, Great Admiral. Will you please at first explain to the Tribunal how such entries were made in the war diary? Who kept that diary, did you keep it yourself or who did that?

A If I have to tell the truth here, I have to say that the war diary was a difficult thing for me because I did not have any valuable officers left to use them for that work. That entry, as I presumed and which has been confirmed here, a former mate made, who tried to put all my orders during the entire case into one entry. Of course, I am responsible for each entry but any actual consequences to reality could not be seen from that entry but from my wireless orders. Those were the essential things.

Q Great Admiral, the decisive point here seems to be, in my opinion, whether that entry represents your considerations or whether it is only an excerpt of the wireless order, an extract which had been taken by a subordinate?

A The latter is correct. My real long consideration is based on my

concern over the call from the Naval Warfare Command, the order of the future and my serious decisions, whether I should break with that method or not, that is not even included in the entries in the war diary.

Q Will you explain this to us? In the entry in war diary, it says "All commanders are reminded again" and so on.

A I don't know what that means. I could not say. My staff, which is here, has told me that that referred to the four wireless messages which I had sent, because before the "Laconia", any such declarations or any such statement was not made. Again, that is the fifth wireless message.

Q The order of the 17th of September, for you, therefore, was the end of the Laconia incident?

A Yes.

Q To whom was it directed?

A As far as I remembered first, it was only directed to the submarine boats, submarines in enemy areas. We had various ocean areas, North Atlantic, Middle Atlantic, South Atlantic; we had different channels, wireless channels. The other submarines, since they were close to convoys, could not use that order because the rescue measures were out of the question for them, but I have found out, and I was told now, that the order was sent out to all submarines; that is, on all channels; that is a question of communication but it doesn't do any harm.

H0127-0031

H0127-0032

Q You have said now that the basic consideration of that entire order was the air supremacy and the danger from it. If that is correct, how could you in the same order maintain the directive to rescue captains and ship engineers? That can be found under figure 2.

A Between rescue measures where the submarine has to stop and people have to go on deck, between that and picking up a captain there is, of course, a great difference concerning the risk, because the submarine remains all clear for diving, whereas in the first case the alert is interrupted and is impossible.

However, one thing is clear. In taking with us these captains, there was a military purpose which had been ordered by the Naval Warfare Command. As a matter of principle, and generally, I would like to say that in the pursuit of a military aim, that is to say, not by the rescuing but by the capturing and taking along important enemies, one has to run or can run a certain risk. Besides, that addition was not essential for me, because I knew that practically there would be very small results, if not nothing at all.

I remember quite clearly having asked myself "Why do we still pick them up?" We did not want to drop a general order like this. But the essential point is first the risk, which is much greater in the case of leaving the alert conditions; and, secondly, the pursuit of a military aim.

Q What do you mean by the last sentence in the order "to be hard?"

A To be hard against oneself. I have preached to my commanders for five and a half years, and also with this order I felt that my entire concern and grave responsibility for the submarines, and, therefore, the necessity now faced with the overwhelming enemy air force, should make me prohibit rescues.

I had to explain that to my commanders in a very clear, classic order, because it is very definite that on one side there is the harshness of war, the necessity to save your own submarines; and, on the other side, the traditional sentiment of the seaman.

Q We have heard here that the witness Moehle has stated that he misunderstood that order, that is to say, in the sense that survivors should be killed, and in several cases he had instructed other U-boat commanders in that sense. One moment, Great Admiral. I wish to put a question to you now.

H0127 - 0033

As commanding officer, don't you have to assume, according to your own principles, also the responsibility for misunderstanding of your orders?

A Of course I have the responsibility for all orders, formally and in context. Moehle, however, is the only one who had any doubts about the importance of that order. I regret that Moehle did not find occasion to clear these doubts immediately, either with myself, to whom everybody had access at all times, or with several staff officers, who in my staff were also responsible, or partly responsible, for the drafting of these orders, or with his immediate superior on Kiel.

I am convinced that among the few U-boat commanders, to whom he told his doubts, the transmitting of these doubts had no consequences. If such consequences had occurred, of course I would assume responsibility for them.

Q What is your position as to the case of Kapitaenleutnant Eck, which is wellknown to you, who in the spring of 1944, in connection with the sinking of the Greek steamer Peleus, actually fired on life boats?

A Kapitaenleutnant Eck stated in the end of his interrogation that he neither knew about Moehle's interpretation or Moehle's doubts, nor of the message, completely reversed, of my decision in the case of U-386. That was the case which Moehle mentioned where the U-boat found life rafts with fliers, and I admonished that they shouldn't take them on board. And it was just the other way, and that was given in writing to the commander as criticism on his actions, and, contrary to that, some office said that I had admonished him as to why he had not destroyed these survivors. Eck neither knew about the interpretation or the doubts of the Moehle order, nor of this story. He acted on his own, and his aim, his tendency, was not to kill survivors but to remove the fragments; because he assumed that otherwise, on the following day, he would be spotted by Anglo-American planes on the basis of these fragments, and eventually destroyed. His purpose, therefore, his aim, was an entirely different one than it is stated here in the Moehle interpretation.

Q Eck has said during his interrogation that he thought he could expect that you would approve of his actions. Did you ever during the war hear about that case Eck?

A No. It was here during my interrogation when I heard about it,

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and that because Eck was captured during the same action.

Q Do you approve of his actions now that you know of them?

A I do not approve his actions, because I said before in this respect, that is, from the point of view of soldiers' ethics, one cannot deviate.

However, I should like to say that Eck was faced with a very grave decision. He had the responsibility for his boat and his crew, and that responsibility is a grave one during war.

Therefore, if for that reason he believed "Otherwise, I shall be spotted and destroyed" -- and that reason was not unfounded, because in the same ocean area during the same time, I believe, four submarines had been destroyed by bomb. If, therefore, for that very reason he came to that decision, a German court martial would have taken that into consideration without doubt.

I believe that after the war one sees events differently, and one does not fully realize the responsibility which a small commander of that kind carries.

Q Besides the case Eck, do you know of any other case during the war, or after, in which a U-boat commander fired on shipwrecked people or life rafts?

A Not a single one.

Q You know the documents of the Prosecution, do you not, which describe the sinking of the ships Noreen Mary and Antonico? Do you recognize the value of these documents as proof, according to your experience, or don't you?

A No. I believe that they cannot stand a thorough examination. We received a large number of similar reports from the other side, and we were always of the opinion, and stated that opinion also in writing to the OKW, that one has to be extremely sceptical in dealing with these cases, because a shipwrecked person can easily believe that he is fired at.

H0127-0035

These may be shots which are not aimed at him at all, but at the ship; that is to say, misses of some sort.

The fact that the prosecution mentions just these two examples, shows, in my opinion, that my conviction is correct, that outside of the case of Eck no further cases occurred during the long years in the ranks of the German submarine forces.

Q You mentioned before the report to the Fuehrer of May 1942, during which the problem has been examined, or at least touched upon by the Fuehrer, whether it was permissible to kill survivors. Was that question examined again by the flag officer of submarines, or the Naval War Command?

A When I had become supreme commander of the navy --

Q That was in 1943?

A I received, I believe, in December of 1943, a letter from the foreig office in which I was informed that about 87% of the crews of merchant ships which had been sunk, were returning home. And that was disadvantageous. We wondered whether it was not possible to do something against it.

I had a letter sent to theForeign Office in which I informed the foreign office that, although I had already been forced to prohibit rescues for the reasons that submarines were dangerous, other measures were out of the question for me.

Q I have here an entry in the war diary of the Naval Warfare Command which deals with this case. I submit this entry as Doenitz 42. It is pages 92 to 94 in Volume 2 of the document book.

I shall read first the first and second sentences of Page 92. The entry is on the 4th of April, 1943.

"The German Foreign Office pointed to an assertion of the British Transport Minister according to which during sinkings of Merchant vessels an average of 87% of the crew were saved. To this statement the Naval War Command (SKL) made a comprehensive reply to the Foreign Office."

Then there is the stating of their position on the next page; and I should like to read a part of that.

First, under figure 1, about the number of ships that was sunk, what is the importance of that in this connection?

H0127 - 0036

A That these people would certainly get home.

Q Furthermore, under figure 2, mention is made that the seamen did not need a long period of training, with the exception of officers, and that they had resisted already an order to pick up captains and chief engineers. What is the meaning of that?

A A thing like that has been viewed wrongly.

Q One moment. By "a thing like that", you mean the military necessity of destruction after shipwrecks?

A Correct. It means that there are plenty of crews available, because they could be quickly trained from unskilled manpower.

Q Under figure 4, you point to the dangers of reprisals against our own submarine crews. Did such reprisals against German U-Boat crews occur at any time during the course of the war?

A I do not know. I have not heard about reprisals in that connection. I only received the report that on the occasion of bomb hits on U-Boats from the air, the men swimming in the water were shot at. But whether those were individual actions or reprisals, I do not know. I would like to assume that they were individual actions.

Q The decisive point of the entire letter seems to be in Figure 3 and I should like to read that to you:

"A directive to take action against lifeboats of sunken vessels and crew

H0127-0037

members drifting in the sea would, for psychological reasons, not be tolerable for U-boat crews, since that would be contrary to the innermost feelings of all seamen. To issue such a directive could only be considered, if a decisive military success could be achieved by it."

Grand Admiral, you yourself have repeatedly spoken about the hardness of the war. Are you, in spite of all that, of the opinion that psychologically such a measure could not be tolerable for U-boat crews?

A We of the submarines knew that compared to the great seapowers, we had to fight a very hard war. Germany had nothing else for that naval warfare than submarines. Therefore, from the beginning--and that was still during peace-time--I developed the U-boats; I trained the U-boat crews in idealism and love of country.

That was necessary, and I continued that training during the war and supported it by personal contacts with the crews of the flotillas and bases. That was necessary to achieve high morale and high fighting spirit, because otherwise the severe struggle and the enormously high losses, as can be seen from the diagram, would have made it impossible to carry on.

What with these high losses and the fact that we kept on fighting because it had to be, it was possible to continue operations only because we could replenish our forces with people who were full of enthusiasm and full of moral strength. I would never have permitted these men to be given an order which was unethical or against the fighting morale, let alone the possibility that I myself would have given an order of that kind, because it was my entire wish to keep that morale high.

Q You said the U-boat forces were replenished by volunteers, did you?

A We had practically only volunteers.

Q Was that at the time of high losses?

A Yes, during the time of highest losses, during the period when everyone knew that he was only good for two or three actions; then he was lost.

Q How high were your losses?

H0127 - 0038

A According to my recollection, we had altogether 640 to 670 losses.

Q And crew members?

A Altogether, in the submarine forces, there were 40,000 men. Of these 40,000 men 30,000 did not return. Of these 30,000, 25,000 were killed and only 5,000 were captured.

The large number of lost or sunk submarines was destroyed from the air in the vast areas of the sea, and the Atlantic, without their being any discussion of the question of rescue.

DR. KRANZBUEHLER: Mr. President, I come now to a new chapter. Maybe this would be thr right time to recess.

(A recess was taken until 1400 hours.)

H0127 - 0039

File

Official transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, defendants, sitting at Nuernberg, Germany, on 9 May 1946, 1400-1700, Lord Justice Lawrence presiding.

DEFENDANT DOENITZ -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. KRANZBUEHLER:

Q Grand Admiral, I am turning to the phase of the so-called conspiracy. The Prosecution is accusing you that beginning with the year 1932 on the basis of your close connection with Hitler and the party, you participated in a conspiracy to bring about aggressive wars and war crimes. Where were you in the weeks of the seizure of power by the National Socialists in the early part of 1933?

A In January, or I believe it was the first of February, I went on leave to Dutch India near Ceylon, a journey which took well into the summer of 1933. This journey, which at the request of Admiral Raeder, President Hindenburg granted me.

Q Thereafter, you became the Commander of a cruiser?

A Yes. In the Autumn of 1934 until the summer of 1935 I was active as the Commander of the Cruiser Emden. We cruised the Atlantic around Africa into the Indian Ocean and returned.

Q Before the sojourn abroad or after your return in 1935 until you were appointed Commander in Chief of the Navy in the year 1943 were you politically active in any way?

A I was active politically beginning with the first of May, 1945, when I became the head of the State, but not before then.

Q The Prosecution has submitted a document in the form of an affidavit by the Ambassador Messersmith. It has the number U.S.A.75 and there are printed the decisive extracts in Volume 3, Page 100. In this affidavit Ambassador Messersmith says that from 1930 until the Spring of

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1934 he acted as Consul General for the United States at Berlin. Then until 1937 he was at Vienna and from there returned to Washington. He gives us an opinion about you with the remark:

"Among the people whom I saw frequently and to whom I refer in many of my statements were the following."

Then your name is mentioned. Therefore one must get the impression that during this period of time you were active politically in Berlin or Vienna. Is that correct?

A No. At that time I was Korvettenkapitaen, and from the end of 1934 I was Fregattenkapitaen.

Q With the permission of the Tribunal I sent an interrogatory to Ambassador Messersmith in order to determine just upon which facts he was basing his opinion. This interrogatory was answered and I am submitting it as Doenitz Exhibit 45. The answers will be found on Page 102 of the Document Book and I am submitting them to you:

"During my residence in Berlin, and during my later frequent visits there as stated in my prior affidavits, I saw Admiral Karl Donitz and spoke to him on several occasions. However, I kept no diary and I am unable to state with particularity when and where the meetings occurred, the capacity in which Admiral Donitz there appeared or the topic or topics of our conversation. My judgment on Donitz expressed in my prior affidavit is based on personal knowledge, and on the general knowledge which I obtained from the many various sources described in my prior affidavits."

Did you, Mr. Grand Admiral, see and speak with the Ambassador?

A I never saw him, and heard his name for the first time here. In the time in question I was not at Berlin. I was at Wilhelmshaven or along the North Sea Coast or in the Indian Ocean. If he alleges to have spoken to me it would have had to be at Wilhelmshaven or in the Indian Ocean. Since neither is the case, I believe that he is mistaken and there must be some confusion as to identity.

Q Were you a member of the N.S.D.A.P.?

A On the 30th of January 1944 I received from the Fuehrer as a decoration the Golden Party Emblem, and I may assume from that that I became

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an honorary member of the party.

Q When did you meet Adolf Hitler and how often did you see him before you became Commander in Chief of the Navy?

A I saw Adolf Hitler for the first time when in the presence of Grand Admiral Raeder in the Autumn of 1934 as Commander of the Cruiser Emden I told him that I was leaving for foreign parts. I saw him again on my return with the Emden some time later. From the Autumn of 1934 until the outbreak of war in 1939, in the five years I saw him a total of four times; that that includes the two reports that I made to him.

Q And what are the other two occasions, were they military or political occasions?

A One was a military matter, at which occasion there was a review of the fleet in the Baltic Sea, and during this review of the fleet when two U-boats should maneuvers and attacks I was together with him on the bridge of the flagship so I could give him the necessary technical explanation.

The other occasion was a very large festivity; the entire group of generals and admirals were present when the new Reichschancellery was completed in the Forststrasse. That was in 1938 or 1939. I saw him there on that occasion but I did not speak with him.

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Q How many times during the war until you were made the chief had you seen the Fuehrer?

A In the years 1939, '42, '43, I saw the Fuehrer four times. Each time there were short military discussions about U-boat warfare; and always large groups.

Q Until that time, didyou have any discussion which exceeded the military scope or sector?

A No, not at all.

Q When were you made the successor of Raeder and became the Commander in Chief of the Navy?

A On the 30th of January, 1943.

Q At that time, in the war which Germany was waging, was this war in the offensive or defensive stages?

A In an express defensive stage.

Q In your eyes, the position which wasoffered to you, was that a political or military position, that as Commander in Chief of the Navy?

A It was, as a matter of face, of course a purely military position, for I was to be the first soldier, or the head of the Navy; and my appointment to this position arose from purely military reasons and military reasons which motivated Great Admiral Raeder to propose my name for this position. Purely military considerations were the determining ones for the filling of this position.

Q You know, Mr. Great Admiral, that the prosecution, from your taking of this position, draw very extensive conclusions, especially as far as the conspiracy is concerned, and among other things, the prosecution contends that your accepting of this position ratified prior happenings, such as all efforts of the Party since 1920 or '22, and the entire German policy, domestic and foreign, at least since 1933. Are you familiar or do you realize that there was any such there? Did you have any reason or thoughts about this?

A This idea was very, very far from my mind. In fact, it never entered into my mind, and I do not believe that there is a soldier who, if he received the military command, would have any such thoughts, would

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have any such knowledge. My position as Commander in Chief of the Navy was for me a position of authority and it was a command which I, of course, had to follow as I had to follow every other military order unless my health would not permit it. I had to agree and believed thatI could be effective and useful to the Navy, and I took this position and my inner convictions went along with it. Anything else would have been desertion or disobedience.

Q Then as Commander in Chief of the Navy you came into a very close relationship to Adolf Hitler, and you know, also, just what conclusions the prosecution draws from this relationship. Please tell me just what this relationship was and what about the bases therefore?

A In order to be brief, I may perhaps explain the matter as follows: My relation had three bases. First of all, I accepted and agreed to the national and social ideas of National

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Socialism: the national ideas which were expressed and the honor and dignity of the nationa, its freedom and its equality of rights and its protection and security; and the social tenets which perhaps had as their nucleu no cast struggle, but human and social admiration of each person, disregarding career, profession or economic consideration. On the other hand, subordination of each and every one to the interests of the community and of all. It was a matter, of course, for me to see with respect the high authority, and I hailed the high authority of Hitler when, in peace time, he succeeded in carrying through his national and social objectives and realized them as quickly as possible in a peaceful manner.

My second tie was that Hitler had, in a legal and lawful way, become the Commander in Chief of the Wehrmacht and the Wehrmacht, through its oath, had vowed him loyalty. That this oath was holy to me is a matter of course, and I believe that the decency in the world everywhere will be on the side of him who keeps his oath.

The third tie was my personal relationship to him. Before I became Commander in Chief of the Navy I believe that Hitler did not have a complete picture of me and of my personality. He had seen me too few times and only in a circle of many people. How my relationship was tobe to himwhen I became Commander in Chief of the Navy was completely open, and my startin this connection was very unfavorable. My position was burdened because of the imminent collapse of U-boat weapon and, second, through my refusal to scrap large ships, and that was a conviction which Raeder had to put over, for in his opinion they did not have any great value. I, as well as Grand Admiral Raeder, had been against the scrapping of these ships, and only as the result of argument he finally agreed. But despite that, I noticed very soon that, so far as matters of the Navy were concerned, he had confidence in me, and in other things as well treated me with dignity and respect.

Adolph Hitler always consulted me as first soldier of the Navy, never so far as military matters were concerned of the Army or of the Luftwaffe. He never asked for my advice or consulted mein militarymatters, matters which did not concern the Navy as well; nor did I at any time give any expression dealing with matters of the Army and of the Luftwaffe, for on the whole I lacked the basic knowledge along these lines. Of course, never did he consult me on political matters of a domestic or a foreign nature; never did he ever consult me or call me in onmatters of that sort.

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Q You said, Mr. Great Admiral, that he never asked you for advice on political things, but those things might have had some connection perhaps with questions of the Navy. Didn't you participate then either?

A If you mean by "political", for instance, consultations of the commanders through the so-called Nationalist leaders who belonged to this group, then I of course participated, because this came within the sphere of the Navy.

Q Beyond those questions, didn't Hitler ever consider you a general councilor or adviser, as the prosecution claims and which they base on a long series of meetings which you had with Hitler since 1933 at the Fuehrer's headquarters?

A So far as general discussions, there cannot be any talk of that as a matter of principle, and in particular, as I have already said, the Fuehrer asked me for advice and received advice from me only in matters of the Navy and sea warfare, and it was very strictly limited to this department.

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Q You were then, according to the diagram, from 1933 to 1945, sometimes once and sometimes twice a month called to the Fuehrer's Headquarters? Please describe to the Tribunal, just how a day like that would be. Describe your activities, what you did during the day?

A I did up until the last, two or three months before the collapse when the Fuehrer was at Berlin. I flew to the Fuehrer's Headquarters at intervals of two to three weeks, but only then if I had a concrete military problem of the Navy which I had to present to him, and for which I needed his decision.

Then it came about that I participated in the afternoon in the discussion of the general military situation. That was a discussion with the Fuehrer in which the Staff reported to the Fuehrer about those things which had taken place within the last twenty-four hours along various sectors of the front. At the military discussion of the situation the center of gravity was with the armymatters or aerial matters, and I only spoke when my Naval Expert who described the naval situation, when this report needed some explanation or supplementation by me. Then at a certain time which was determined by the Adjutant's Office, my military speech, which was the aim of my journey, actually took place, and when it came to this report of mine, only those were present who were concerned with this matter, that is, since it was mostly a matter of reinforcements, Keitel or Jodl were present or the Fuehrer.

When after two or three weeks and in 1944 there was an interval of six weeks on one occasion, and when I came to the Fuehrer at the Headquarters the Fuehrer invited me for lunch. This invitation was after the 20th of July, 1944, the day of the attempted plot. These invitations stopped then.

From the Fuehrer never did I receive an order which was in any way against the ethics of war. I, and with me the entire Navy, and this is my conviction, about the mass extermination of people, of which I am accused in the indictment, including concentrationcamps, after the capitulation in May, 1945, I only received knowledge of them then. I did not know about it at that time.

In Hitler I saw a tremendous personality who had extraordinary intelligence, who seemed to have an almost universal education, and a person who almost exuded power and who had tremendous strength. On the other hand

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I knew and very seldom deliberately went to the Headquarters, for I knew that my power would be strongest that way, and, secondly, that after several days, say two or three days sojourn at the Headquarters I had the feeling to go away from his powers and suggestions, and I am telling about this, and in this connection without doubt it was better for me at his death than to have been constantly exposed to his personality and tremendous power of suggestion.

Q You said just now, Mr. Great Admiral, that you never received an order which was in violation of soldierly ethics. You know the decree stated destruction and sabotage of civilians in 1942, didn't you receive this order?

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A I received the knowledge of this order after it was issued when I was Commander in Chief of the U-boats. For the soldier at the front this order was unequivocal. I have the feeling that I was a very grave matter, but under Point I of this order it was clearly and nuequivocally expressed that they were directed to act in view of the demeanor of the enemy forces, and the killing of prisoners, but beyond the superficial order, the Fuehrer had demanded reprisals and these reprisals had been made public in a report to the Wehrmacht.

Q Therefore, for the soldier who received his order there was no right there was no possibility and no authority to ask for an accounting if the considerations were present that this decree was justified, and as Commander in Chief of this U-boats through you they had to carry through this order?

A No, nothing at all.

Q In your recollection, as Commander in Chief of this Navy, were you concerned with carrying through of this order?

A According to my recollection in my entire activities as Commander in Chief of the Navy was I ever concerned with this order, and one may not forget first of all in this decree exclued expressly were those who were taken prisoners in battles at sea, and , secondly, that the Navy had no territorial authority on land, and then as a matter of basic principle I was really not in a position to have carried out many one of the points of this order.

Q You know the document submitted by the Prosecution in which an incident of this sort is described where in the summer of 1943, a group of saboteurs were shot in Norway, and I mean document of the Prosecution, GB-208. The incident is described and pictured in such a way that the crew of a Norwegian Motor Torpedo was inprisoned on a Norwegian Island. The Motor Torpedo Boat was on a belligerent mission at sea. The document does not say who interned the crew, but it does say that the crew members while they were being taken prisoner were wearing their uniforms, and they were interrogated by a naval officer, and that on the order of Admiral Von Schroeder they were given over to Security Service and that Security Service later shot them. Was this incident over reported to you or did you ever learn of it?

A This incident was made known to me in the trial brief of the Prosecution.

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Q How do you explain or can you explain the fact that an incident of t this nature was not brought to your attention? Wouldn't this have been reported to you?

A If the Navy was concerned in this matter, that is, if this unit was captured by the Navy, Admiral Von Schroeder, who was Commander in Chief there at Alcott would have had to report this matter to his Commander in Chief of the Navy and I am convinced that he would have done so, for the regulations were ver unequivocal in this matter would have been reported to me as Commander in Chief of the Navy.

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Q How can youjudge this case now that you have received knowledge of it through the document?

A It is correct that the crew of a torpedo boat was involved and if this applies and if they had a mission at sea, then this measure, the shooting whichtook place -- was completely wrong under any circumstances -- for it considered very expressedly this commander order. Therefore I consider it completely out of the question. I do not believe that Admiral von Schrader whom I consider an especially noble sailor -- he would have participated in a matter of this sort. According to the circumstances of this incident, this was not reported to the High Command; this incident as it is now ascertained, through the control of the German press in that day, was not made public in the Wehrmacht report, as it would have had to take place if it had been a matter concerned with the Wehrmacht. For all of these reasons I assume the following:

That the police made the arrest of these people on this island, that they were taken from this island by some vehicle to Bergen, that there some eleven or twelve -- if I recall correctly -- naval officers interrogated them, as the Navy, of course, was interested in this interrogation, and that then the giving over of these people to theSecurity Police took place, since prior to that time they had been captured by the Security Police, the SD.

Another explanation is not possible for me.

Q You wish to say, then, that according to your opinion these men were never prisoners of the navy?

A No. If they had been such, a report to the High Command would have taken place.

Q Mr. Grand Admiral, from this case I would like to ask you, on the whole, in your position as Commander-in-Chief and in your visits at the Fuehrer headquarters, didn't you experience some things which brought to your attention to separate yourself from Hitler?

A I have already stated that on the basis of my activity, even at

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Headquarters, I was limited very, very strongly to my own department, and it was the peculiarity of the Fuehrer to listen to any individual only on the thing that conce rned him, and it was a matter of course that as far as the discussion of the military situation was concerned, only purely military matters were discussed, that is, no problems of domestic politics, of the SD or the SS, were discussed. So far as the latter was concerned, the SS, the conversation didn't deal with divisions which were used in certai army sectors and were at the disposal of certain army commanders. Therefore, I never had any knowledge of any of those things. As I have already said, I never received an order from the Fuehrer which in any way would infringe on soldierly ethics. Therefore, the Navy according to my firm conviction and belief -- and I kept it clean up until the end in every way, even to the last small corner -- I had my face turned to naval warfare -- and the Navy as small as it was, tried to do its duty on the basis and the background of its tasks. Therefore, I didn't have any reason at all to separate myself from the Fuehrer.

Q Such a reason would not have to be shown in crimes; there might have been political reasons for this, and you have heard that repeatedly the question was broached whether there should have been a putsch. Did proposals like that meet you, or did you think or try a putsch?

A No. The word "putsch" has been used frequently in this court room by the various people. It is easy to say it, but I believe that the tremendous importance of such an activity would have to be well-known to an individual. The German nation was involved in a struggle of life and death. It was surrounded by enemies, and I might say, in a fortress-like way. And it is clear, in order to retain the illustration of the fortress, that each disturbance from within without doubt and perforce would have affected the ability to carry on war to the outside, and anyone who undertakes to act against this loyalty and against this oath in such a struggle to the death, to plan an overthrow and to try it, who must have the utmost conviction and who must know of the responsibility connected with it, that such an overthrow would have to be necessary for the people at all costs.

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Despite this, every nation would judge such a man to be a traitor, and he would not be able to maintain his position in history or before history. If the overthrow is successful, this measure would not work for the favor and for the best of his people. And this condition I did not consider as obtaining in Germany.

If, for instance, the putsch of the 20th of July had succeeded, then a solution even though perhaps just a gradual one, would have resulted, conflict between various armies of the SS and others, and chaos from within would have resulted, for the binding system of the State would have collapsed slowly and thus under any circumstances a solution of the --

THE PRESIDENT: The Tribunal thinks that the Defendant is making a long and political speech. It really hasn't very much to do with the questions with which we have to deal.

DR. KRANZBUEHLER: Mr. President, I was of the opinion that the question whether a Commander-in-Chief is obligated to bring about a putsch is considered a nuclear point by the Prosecution, and a nucleus to the question whether the system which is characterized as criminal, whether he is in agreement with it, but if the Tribunal considers that question irrelevant I will not press it further.

THE PRESIDENT: I don't think theProsecution has put forward the view that anybody had to create a putsch.

DR. KRANZBUEHLER: It seemed to me one of the points that the Prosecution must take for granted.

Q Mr. Grand Admiral, the Prosecution has submitted two documents, dating from the winter of 1943 and May 1945, and these were speeches by you to the troops. You are accused by the Prosecution of preaching National Socialist ideas to the troops. Please define your position on this point.

Q When in February of 1943 I became Commander-in-Chief of the Navy, I was responsible for the fighting capacity of the entire Navy, and the peculiar strength in this war was the unity of our people. And the one who had most to gain by this unity was the Wehrmacht, for each fragmentation from within would perforce have had repercussions within the troops and their fighting capacity would have been rendered less. The Navy in the first World War, 1917-1918, had had bitter experiences in this direction.

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Therefore, in all of my speeches, I worked to the result that this unity was to remain and that we should feel that we were guaranteeing this unity. This was necessary and right. It was necessary for me. As the leader of troops, I cannot preach disillusion or disunity, and it worked out in such a way that the fighting power of the navy and the morals was high up until the end. I believe that in every nation, such an achievement is considered as a correct and good achievement for a leader of troops, and these were the reasons for my speaking and talking the way I did.

Q On 30 April 1945 you were designated as successor of Hitler and Chief of State, and the Prosecution concludes from that that prior to that time you had been a close confident of Hitler, since only a confident would be chosen to be one's successor when it comes to matters of state. Can you tell me please how this matter of succession was determined and whether Hitler before this time spoke about this possibility in any way?

A From 20 July 1944 I did not see Hitler alone--only in discussions of the military situation. He never, in even the smallest hint, mentioned the matter of succession to me. This was entirely natural and clear, since, through laws, the Reichsmarshal was his successor. The misunderstanding, which is to be regretted, between the Fuehrer and the Reichsmarshal took place at the end of the year 1945, and it took place at a time when I was no longer in Berlin.

Q Where were you?

A I was at Holzstein. Therefore, not the slightest thought arose within me--or with the Fuehrer either--that I was to be his successor.

Q Just how, through what measures or orders did that state of affairs actually come about?

A On 30 April 1945 in the evening I received a wireless message from headquarters to the effect that the Fuehrer was designating me his successor and that I was justified at once to take all measures which I considered necessary.

The next morning I received another wireless message. That was on the morning of the first of May. As a more detailed directive, it said that I was to be Reichs President; that Minister Goebbels was to be Reichschancellor;

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Bormann was to be the Party Minister, and Seyss-Inquart the Foreign Minister.

Q Did you adhere to this directive?

A This wireless was, first of all, a contradiction to the first wireless message in which it had been clearly that I might at once do everything that I considered necessary and correct. Then, as a matter of basic principle, I would never have adhered to this second wireless message, for, if I am to have responsibility, there may not be any restrictions placed upon me. Thirdly, under no circumstances would I have agreed to collaborate with the people mentioned, with the exception of Seyss-Inquart.

In the early morning of the first I had had discussions with Minister of Finance Graf Schwering Krosigk, and had asked him to take over the business of government, to the extent that we coul d still talk about that, to take over this position.

I had done this, for in a purely incidental discussion or conversation which had taken place several days before, I had seen that there was a complete agreement in our principles--principles that the German people belonged to the Christian west; that the basis of future conditions of life- that is, private property and the rights of the individual were to be kept up.

Q Mr. Great Admird, you know the so-called Political Testament of Hitler in which you are charged to continue with the war. Did you receive such a mission at that time?

A No. I saw this testament for the first time a few weeks ago here, when it was made public in the press, and if I had received any instructions when Germany's position was hopeless and when I received the responsibility, I would not have tolerated any restrictions on my actions.

Q The Prosecution has submitted a document in which you wanted the navy to--and this is British document 212--in which you exhorted the navy to fight on to the very end, and you are accused in this connection of being a fanatical Nazi who was ready to carry on a hopeless war at the expense of the women and children of your people. Please define your position on this particularly grave accusation.

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A In this connectionI may say the following: First of all, in the spring of 1945 I was not the head of the state; I was a soldier. To continue the fight or not to continue the fight was a political decision. The head of the state wanted to continue the fight. I, as a soldier, had to obey. It is an impossibility that one soldier of a state will say, "I will continue to fight," and another soldier will say, "I will not continue the fight." I could not have given any other piece of advice in the light in which I saw matters.

I am saying that for the following reasons: First, in the East the breaking through of our front at a point meant the extermination of the people living behind that front. We know all of that because of our practical experiences and because of all the reports which we had on this point. It was the belief of the entire people. The soldier in the East considered it his duty, as a soldier, and had to do his duty in these very hard months of the war, these last few hard months. It was especially important because otherwise German women and children would have been lost.

The navy was deployed to a considerable extent in the East. Perhaps there were 100,000 men on the land in the East, and the entire surface fleet was concentrated to take care of the wounded and of those refugees from the East.

Therefore, in order to preserve the German people in these last few months, the steadfastness of the German soldier was especially important.

Secondly, if we had capitulated in the winter of 1945 or the first few months of the next spring, then, according to everything that we know about the enemy, a disintegration and a complete breaking up would have taken place, in the same way as it is today, according to the Yalta Agreement. There would have been an occupation of Germany, according to that agreement.

Thirdly, capitulation means for the soldiers to remain still and be taken into captivity. That means that if we had capitulated in January or February 1945, inthe East, for example, 2,000,000 soldiers would have fallen into the hands of the Russians, and the care of these millions in a cold winter would have been impossible, as was obvious. To a large extent, we would have lost many people. That is also clear, for at the capitulation in My 1945--that is, in the spring, in the late spring- it was not possible in the West to take care of the large number of prisoners according to the Geneva Convention.

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Then, as I have already said, if the Yalta Agreement had been realized and put into effect, then we would have lost a large number of people who had not fled from the eastern territories. We would havelost these people in the eastern territories.

When on 1 May, I became the head of the state, circumstances were different. Then the front had approached each other so closely that the East and the West front were very close and in just a few days soldiers and a large number of refugees could be transported to the West. My efforts, when I became head of the state on 1 May,were directed to making peace as soon as possible and to capitulating and then to saving German blood, people, and to saving them from the East and to put them in safekeeping in the West. Accordingly, through my immediate bringing about of a capitulation on 2 May, I ask Field Marshal Montgomery for the area which was adjacent to his armies, for Holland and Denmark, these countries whichwere still with us, and accordingly, I immediately in this connection took steps to meet General Eisenhower. The same basic principle--to save the people--was the one that motivated me in the winter, taking cognizance of the situation, to keep on fighting. It was painful that our cities had to be bombed. Through these bombing attacks and through this fight, we lost human lives, and the number of these people is 300,000 to 400,000, mostly through the bombing attack on Dresden, which cannot be justified on a military basis and which could not be predicted. Nevertheless, this figure is comparativelysmall in contrast to the millions of German people whom we would have lost in the East--soldiers and civilian population--if we had capitulated the winter before.

H0127-0057

It is, therefore, in my opinion, through the opposite choice, when I was still a soldier, to call on my soldiers to keep on fighting. And, later, when, after May, I became head of the state and asked for an immediate capitulation, no German lives were lost; on the contrary, they were saved.

DR. KRANZBUEHLER: I have no further questions, Mr. President.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

THE PRESIDENT: Does any other member of the defendants' counsel wish to ask questions?

BY DR. SIEMERS (Counsel for defendant Admiral Raeder):

Q Grand Admiral Doenitz, you've already explained what Admiral Raeder and the navy in the summer of 1939 did and that, in spite of certain indications, they did not believe that a war would happen. In the summer of 1939, you said you had seen Admiral Raeder, and I should like you to supplement one point and speak about the subject regarding the occasions when you talked to Admiral Raeder in detail.

A Admiral Raeder, in the middle of July, 1939, participated in submarine exercises in the eastern waters. Following the exercises --

Q May I, first of all, ask you something? What sort of exercises were they? Were they submarine exercises and to what extent did they go and where did they take place?

A All submarines which were being put through their trials after they were put into service were collected by me in the Baltic. I can't remember the exact figure, but I think there were about thirty. Grand Admiral Raeder was being shown the abilities of these submarines.

Q Were all those submarines capable of travelling in the Atlantic?

A Yes, they were and, in addition, there were the smaller submarines of lower tonnage, the operations of which could reach as far as the North Sea.

Q This means, therefore, that at that time you had no more than about two dozens of submarines capable of travelling in the Atlantic; is that right?

H0127-0058

A That figure is put too high. U-Boats for the Atlantic, which we had at the time, amounted to not even fifteen. At the outbreak of war, as far as I remember, there were fifteen submarines suitable for the Atlantic.

Q During the several days, when you were together with Raeder, did you see Raeder personally and did you see him alone?

A Yes. Grand Admiral Raeder told me something which he repeated before the entire court of officers during his final speech. He said that the Fuehrer had informed him that under no circumstances would there be a war in the West. He said that that would be the end of the war with Germany. Since I was about to go on leave, I asked to be permitted to go, and on the 24th -- that was immediately after the exercise on the 24th of July -- I went on a recreational stay to Bad Gastein which lasted for six weeks. I'm merely stating that because that's an example of how we regarded the situation at that time.

Q But then the war happened rather more quickly, didn't it, and you had to interrupt the whole day which you had planned?

A I was called back by telephone in the middle of August.

Q These words, which referred to the fact that no war with England would happen, and the words "Finus Germania", did Raeder tell you that personally in your private conversation or did he only mention it in his speech at Schwienemunde?

A In its sense, certainly. The words individually I cannot remember now. I can't differentiate which was the main speech and which was the main conversation, but he certainly said it during the main speech.

DR. SIEMERS: Thank you very much.

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q Grand Admiral, on the 30th of January, 1943, you became the supreme commander of the wartime navy and at the same time you became a member of the group which is indicted here, the General Staff and the OKW?

A Yes.

Q I wanted to ask you whether you, after you were appointed, did have discussions with any of the members of this group regarding plans or aims in the sense of the indictment?

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A No, with none of them.

Q After you came into office, you saw all the supreme commanders and you relieved them of their jobs. What were the reasons for this?

A Since I was something like seven or ten years younger than the senior officers in the wartime navy, for instance, Admiral Karls and Admiral Boehms, and others, it was a matter of course that it was difficult for both parties. The change of personnel took place for those reasons and in spite of the fact that there was great mutual respect and admiration.

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Q How many senior officers were concerned in this case?

A I think three or four.

Q Was there close personal and official contact between the wartime Navy on one side, and the Army and Air Force on the other side?

A No, none at all.

Q Did you know the majority of the members of the indicted group?

A No. Before my time as Supreme Commander of the wartime Navy, I only knew those with whom I had accidental contact or found myself in the same room with. For instance, when I was in France, I knew Field Marshal von Rundstedt. After I became Supreme Commander, I only knew those whom I met accidentally when I was at the headquarters where they were as well, and when there was a discussion of some sort.

Q So that it is right, isn't it, to say that you didn't know the whole of the group?

A That's right, I didn't.

Q Did those supreme commanders known to you have a mutual political aim and line?

A I can't answer that as far as the Army and Air Force are concerned. As far as the wartime Navy is concerned, the answer is no, because we were soldiers and I was interested in seeing what a man could do as a soldier, what his personality was, and I didn't in any way concern myself with his political line of thought, at least, unless it affected his performance as a soldier.

I want to quote an example. My closest cooperator, who, beginning in 1934 and right to the end until 1945 was always with me as as my adjutant and later as chief of staff, was very critical of National Socialism, to say the least. However, despite this critical attitude, neither the official work during that long period nor my personal attitude towards him changed in any way.

Q May I inquire what was the name of this chief of staff to whom you have just referred.

A Admiral Got.

Q Do you know of any of the remarks made by Hitler regarding the attitude of the generals of the Army. The question merely refers to those who belong to the indicted group.

H0127-0061

A Naturally, considering the military situation I did hear an occasional remark regarding an army commander, but I can't say today why it was made or what it was.

Q You were quite often present during discussions in the Fuehrer Headquarters. Did it become clear to you on such occasions that supreme commanders were stating different views before the Fuehrer?

A Yes, that happened indeed.

Q Can you remember any certain definite example?

A I remember, for instance, that in connection with the question of the northern sector in the East, the army commander concerned with that part of the front had a different opinion than the Fuehrer, and I remember that there was an argument about that.

Q Was that commander successful with his objections?

A I think partly yes, but I would like you to ask an army officer about that because the connections weren't authentically known to me in detail

Q Did the high military leaders of the wartime Navy have anything to do with the Special Action groups of the SD, the Einsatzgroups?

A The wartime Navy? No. As far as the Army is concerned, I want to say I don't believe so and I assume they didn't, but please don't ask me about anything but the Navy;

Q Yes. That, of course, was what I was asking you about. And now, some questions about leaders in the Navy. Did the supreme leaders of Navy group commandos have territorial authorities?

A No. There was the famous KG-40, that is War Command 40, and the Navy had no territorial powers ashore. Its task was that when they were ashc they had to see to the defense of the coast under the command of the Army, and that was divided in sectors. They were commanded by the divisions stationed in that particular sector, and apart from that they were dealing with the naval warfare before that coast.

Q So that supreme commanders of the Navy were troop commanders?

A Yes.

Q Did these Navy commanders have any influence on the formulation of orders regarding submarine warfare?

H0127 - 0062

A. No, none whatever.

Q. Did they influence decisions regarding ships which were to be sunk?

A. No, not at all.

Q. And did they influence the orders regarding the treatment of rescued personnel.

A. No.

Q. Now the, the group also contains the Chief of the Naval Operational Staff. What were the tasks of the Chief of the Naval Operational Staff?

A. He was in the supreme command. He had a position where he dealt with purely military tactical and operational matters of the wartime Navy.

Q. Did the Chief of the SKL have powers to issue orders?

A. No.

Q. So that his position was similar to that of the Chief of the General Staff of the Air Force or the Army?

A. I beg your pardon, but first of all I will have to put you right about the whole conception. I presume that by the Chief of Operational Staff you mean the Chief of Staff.

Q. Yes.

A. At the time of Admiral Raeder the name of the Chief of the Naval Warfare Command was the same as the Supreme Commander of the Navy. The organization about which you are making inquiries was called the Chief of Staff of Naval Warfare Command, whereas when I was the Supreme Commander of the Navy, the name of the Chief of Staff of Naval Warfare Command was changed to Chief of Naval Warfare Command, but it was the same person and he was under the command of the Supreme Commander of the Navy.

Q. Was there an Admiralty Staff in the Navy?

A. No, that didn't exist. Such an institution did not exist. Any necessary assistant leaders, as we called them, came from the front and they served on the staff and then they returned to the front.

Q. And now I shall ask one last question. The witness Gisevius has stated in this courtroom that the supreme military leaders had drifted into corruption by accepting donations, gifts. Did you receive any donation of any kind, any gift?

H0127-0063

A. Apart from the salary to which I was entitled, I didn't receive a penny; no presents, no donation, nothing. And the same applies to all the officers of the Navy.

DR. LATERNSER: Thank you very much. I have no further questions.

BY DR. NELTE (Counsel for defendant Keitel):

Q. Witness, you were present when the witness Gisevius was being examined here. That witness, without giving concrete facts, passed judgment on various matters and made the following statement, "Keitel had one of the most influential positions in the Third Reich," and then, sometime later, he said, "I have received very detailed information regarding the tremendous influence which Keitel had on everything relating to the Army, and also how he represented the Army before the German people."

Will you, who must be able to judge these matters, tell me whether that judgment, that opinion, regarding the position of Defendant Field Marshal Keitel is correct.

A. I consider it a great exaggeration. I think that Field Marshal Keitel position has been so explicitly described here that it ought to be clear by now, and that these big words which he used are not correct.

Q. May I gather from that that the description of the position and functions as given by Marshal Goering and Field Marshal Keitel can be confirmed by you?

A. Yes, it is perfectly correct. When the witness Gisevius judged these matters, he wasn't relying on his own direct knowledge, but was relying on information which he had received from Admiral Canaris.

Q. Did you know Admiral Canaris?

A. I knew Admiral Canaris from the time when he was still a member of the Navy.

Q. Later on, when he became the Chief of Foreign Intelligence in the OKW, did you not have contact with him, and did you not have discussions with him? Did he not come to see you in his capacity as Chief of Counter-Intelligence?

A. After I had just become Supreme Commander of the Navy, he visited me and he made a statement, a lecture in fact, regarding news which he thought

H0127-0064

he ought to place at the disposal of the Navy, something which was interesting to me, of course.

That was his last report to me. Following that, and as a matter of course, I received from him or his department written reports regarding these views, and that information interesting to the Navy.

H0127 - 0065

Q Is it right for me to say, or is it true, that the position of Admiral Canaris as the Chief of the Counter Intelligence Department; that is, the espionage section, sabotage department and intelligence, was of great importance for the entire conduct of the war?

A His position?

Q He was the chief of that department, wasn't he??

A Yes, and of course he worked for the entire armed forces, all three branches, and I must say in that connection that, as you are asking me about the importance of the work, I am of the opinion or was of the opinion that that information, interesting to the Navy, was very very lean, very meagre.

Q Did Canaris ever complain before you about the fact that Fieldmarshal Keitel; that is to say, the OKW were in any way impeding his work; that is to say, information and his reports couldn't be taken to anybody?

A He has never done that and, of course, he could only have done so during that first report but he didn't.

Q With reference to Canaris, I should like to know one more thing. Can you tell me anything about his character and his credibility as a source of information. Do you consider him reliable?

A Admiral Canaris, during the time when he was serving in the Navy, was an officer who didn't find a lot of confidence. He was a man quite different from us.

THE PRESIDENT: Dr. Nelte, we don't want to know about Admiral Canaris when he was in the navy. I don't think there is any use of telling us that Admiral Canaris was in the navy. The only relevance would be his character afterwards when he was head of the intelligence.

DR. NELTE: Mr. President, don't you think that if someone who is a naval captain is regarded as unreliable and not very credible, that he might remain in the same light as an admiral in the OKW? Do you think that during the few years that could have changed all that much?

BY DR. NELTE:

Q But, nevertheless, thank you very much for an answer to the question, witness, and I am now asking you to reply to my following question. Is it true that all parts of the armed forces were prohibited to make reports on political

H0127 - 0066

matters by Hitler and that they were told to confine themselves to their own sphere of work?

A Yes, that is true.

Q But witness Gisevius has stated that Fieldmarshal Keitel had threatened officers under his command with handing them over to the Gestapo if they were concerning themselves with politics; and I am now asking you, is it true that in accordance with instructions applicable to the armed forces, the police including the Gestapo and SD, and criminal police, had juridiction over members of the armed forces no matter what rank they were, or did they have no executive powers?

A It is correct that they didn't.

Q And is it also correct that the sections of the armed forces and also the OKW were preserving that right which the armed forces had before the police?

A Yes, that is true.

Q So that any such supposed threat as mentioned by Gisevious; namely that od handing these people over to the Gestapo, was in fact not practicable?

A No.

Q And it is therefore also right that all officers of the OKW, before whom such a statement might be made, knew that of course, too?

A Yes, naturally they did. Soldiers were subject to military discipline and nobody could interfere with the armed forces.

Q So, then, I ask you, over and above that, did Fieldmarshal Keitel, as Chief of the OKW, have the right at all to deal with officers in the OKW without agreement of the commander in question, to dispose of such officers? Could he, for instance, transfer them to another job or could he relieve them of their duties or something like that?

H0127-0067

A The officer of the armed forces in question--say the Navy, for instance, would be commanded, would be attached to the OKW for a certain job. That would mean that he would be taken off the strength of the navy and attached to the OKS. It was quite natural that in the case of a different employment of that officer in the OKW, the armed forces section to which he belonged would have had to be heard.

Q Isn't it correct to say that these officers were still on the list of their own unit, since the OKW wasn't an actual military unit or proper formation; in other words, that if there were promotions, for instance, you would promote those people who originated from the Navy--Assuming, for instance, that Canaris was to be transferred, you, as the chief of the navy, would have to order such a transfer, of course, upon agreement or by suggestion of the OKW. I am merely concerned with the question of the actual orders, channel of orders?

A These officers were attached to the OKW and, as far as I can recollect, they were still on the nominal roll of the navy and they were headed "Detached from the navy, attached to the OKW."

Q But they didn't leave the navy, did they?

A Promotion for such officers, if I am remembering rightly, was, I think, done by the personnel office of the navy in agreement with the OKW, and I also think that any such attachment could not be carried out without agreement of the unit, of the officer.

Q Witness Gisevius has stated that certain men, and amongst them was Fieldmarshal Keitel for the military sector, had formed a close ring of silence around Hitler so that nobody could approach Hitler, whom they didn't want to let through. My question to you is this: Did Fieldmarshal Keitel have the possibility, for instance, as far as you as supreme commander of the navy were concerned, to keep you away from the Fuehrer if you wanted to see him?

A No

Q Did Fieldmarshal Keitel have the possibility to keep the supreme commander of the air force away if he wanted to report to the Fuehrer?

H0127-0068

A No.

Q What was the position regarding the supreme commander of the army?

A I didn't experience that. When I was supreme commander of the navy, there wasn't such a position.

Q Regarding the equality of rank, I want to ask you, what was the situation regarding the Chief of the General Staff of the army. Could he at any time get to the Fuehrer and get past Fieldmarshal Keitel to talk to Hitler?

A The possibility of keeping anyone away did not exist with Fieldmarshal Keitel and he wouldn't have done a thing like that anyway.

Q Upon being cross-examined by the prosecution, witness Gisevius stated in this courtroom that his group was reporting to Keitel through Canaris; that they were submitting reports which were dealing with crimes against humanity, which has been mentioned by the prosecution here. These reports, he said, had been camouflaged as "foreign reports" and presumably you know the type of reports I am referring to. My question to you is this: Did you at any time see such camouflaged information in reports from Canaris? was it ever put before you or sent to you?

A No, never.

Q In accordance with your knowledge of Keitel's personality, do you consider it possible that an important report, which was submitted to him, could have been kept away from the Fuehrer by him?

A I consider that absolutely out of the question.

THE PRESIDENT: I don't think that is a proper question for you to put.

DR. NELTE: That finishes this part of my question in any case and I have yet one more group of questions which can be dealt with very quickly. Mr. President, on the 26th of March, you had given me permission in writing, that I may submit an affidavit from Grand Admiral Doenitz, which deals with the functions and the position of the Chief of the OKW. That affidavit was submitted to the prosecution on the 13th of April

and I understand that there are objections being raised by the prosecution. I have, however, not yet received the original back, after I had submitted them on the 13th of April, and I don't know whether it has in the meantime been handed to the Tribunal by the prosecution.

THE PRESIDENT: I don't know anything about the affidavit that you are dealing with.

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H0127-0070

DR. NELTE: I should, therefore, now be forced to put these questions to Admiral Doenitz, which, nevertheless, in their majority are dealing with the questions which I have already put to the defendant.

THE PRESIDENT: Do the Prosecution object to the affidavit at all?

DR. NELTE: No, they didn't raise any objections. Therefore, if the Prosecution would be good enough to return it to me, I should submit it to the Tribunal as an exhibit, without reading it.

THE PRESIDENT: Very well.

DR. NELTE: Thank you very much.

BY DR. DIX (Counsel for defendant Schacht):

Q. Witness, you have stated that the SD and the Gestapo, in fact, the whole place, did not have executive powers regarding members of the armed forces, in particular, that they couldn't arrest members of the armed forces. Did I understand you correctly?

A. Yes.

Q. Do you, Witness, not know that officers which were suspected of participating in the affairs of the 20th of July had all, or at least most of them, been arrested by members of the SD; and that the department of the SD which arrested them sent them to the prisons which were under the control of the SD; and that they remained under the jurisdiction of the SD in these prisons; and that there was no jurisdiction of any military departments?

A. The answer is, no, I didn't know that, because after the 20th of July, as far as I can remember it, there was a specific order stating that the SD, as far as the armed forces were concerned, would have to name those soldiers which had participated in that revolt; and that those soldiers were then to be removed, to be dismissed from the armed forces, particularly because there was the principle of interference with the armed forces which was not to be infringed. So that this meant that afterwards the SD would have jurisdiction.

Q. That order came out, yes, but perhaps we can get nearer to the point when you answer further questions which I want to put to you.

Do you know, Witness, that the interrogations, in particular of those people arrested on the 20th of July, were exclusively carried out by officials

H0127-0071

of the SD or the Gestapo, respectively, and not by the officers of the armed forces in military justice?

A. I can only pass judgment regarding the two cases which occurred in my Navy. I received information that those two officers had participated. I had questions put to them, and they confirmed it. Subsequently, these officers were dismissed from the Navy. The interrogation, of course, was then not carried out by the Navy, but I know that my Navy judges were still taking care of the officers and the interrogation.

Q. Who dismissed these men?

A. The Navy.

Q. That is you.

A. Yes.

Q. And, do you know, Witness, that in the course of the investigation regarding the 20th of July a committee was set up consisting of generals, which was headed by Fieldmarshal Rundstedt?

A. Yes, I heard about that.

Q. And that this committee, on the basis of the records of the SD, decided whether the person in question, the officer in question, was to be dismissed from the Army or had to leave the Army, so that, following that, he could come before the civil court, which in this case was the People's Court?

A. That is now known to me.

Q. May I put it to you that I am of the opinion that the statement regarding the decree which you had stated before --

THE PRESIDENT: Dr. Dix, you are bound by his answer. He said he didn't know anything about it. You can't then put to him what you say happened. If he says he doesn't know anything about it, you must accept his answer.

DR. DIX: What I intended was to put to him that the order to which he had referred earlier, and which, in fact, exists, and which does say that a decision will be made as to whether someone is to be dismissed from the Army or not, and is to be surrendered to the civil authorities, that this order is connected with this committee, the president of which was General Fieldmarshal von Rundstedt; and that they had to decide whether the officer in question

H0127 - 0072

would have to be dismissed as not coming under military justice any more but under the People's Court. It is a question which, therefore, refers --

THE PRESIDENT: I understood the witness to say he didn't know anything about it. I think you are bound by that answer.

DR. DIX: May I add something?

THE PRESIDENT: Who are you offering these questions for? You are counsel for the defendant Schacht.

DR. DIX: The questions of my colleague for Keitel were put regarding the credibility of witness Gesivius. Schacht's defense rests on the credibility of Gesivius, and he is very interested in it. I was putting these three questions to defend Gesivius' credibility. That is, of course, for Schacht. And may I add something, please?

THE PRESIDENT: Very well.

DR. DIX: The question to which your Lordship is objecting was merely put, because I expected the possibility that the answer of the witness might have been based on a mistake, namely, that the general instructions which he was referring to, according to which the soldier in question would first of all have to be disnissed before the SD could take hold of him, that he was mixing that order up with the decree stating that Rundstedt's committee would have to decide whether the officer in question was to be dismissed from the armed forces and would then come before the People's Court, not the SD. The SD was only carrying out the investigation, but the People's Court would then take hold of the person in question.

THE PRESIDENT: What is it you want to ask him now?

BY DR. DIX:

Q. Well, then, Grand Admiral, I think you have understood my question, or do you want me to repeat it?

A. I can't tell you any more than I already have done.

DR. SERVATIUS: Dr. Servatius, counsel for Sauckel.

BY DR. SERVATIUS:

Q. Witness, as the Commander of submarines, you did have some official contact with Sauckel, didn't you?

H0127 - 0073

A. No, it wasn't official contact; it was private.

Q. What was the cause?

A. A submarine which was to go into the Atlantic for eight weeks had reported to me that it had been found after it had left port that Gauleiter Sauckel had crept aboard. I immediately sent a wireless message giving the order for the submarine to turn about, and that he was to be put upon the first steamer.

Q. What was Sauckel's motive?

A. No doubt a belligerent. He wanted to go to sea again.

Q. But then he was Gauleiter. Didn't he have particularly special reasons for which he wanted to show that he was ready to fight in the war; that he didn't want to sit behind the front?

A. It surprised me that he could afford that as a Gauleiter, that is to go to sea, but, at any rate, I believed that this was a man who had his heart in the right spot.

Q. You believe that they were idealistic motives?

A. But most certainly, yes. Nothing much could be got out of travelling on a submarine.

DR. SERVATIUS: I have no further questions.

DR. STEINBAUER: Dr. Steinbauer, counsel for Seyss-Inquart:

BY DR. STEINBAUER:

Q. Grand Admiral, do you remember that in your capacity as the head of the State on the 1st of May 1945, you ordered the commissioner for the occupied territories to come to Flensburg to report to you?

A. Yes.

Q. Do you also remember that on that occasion my client had asked you that the order originally sent to the commander in the Netherlands regarding which all locks should be blown up in the event of an attack, that this order should be cancelled; and that he also asked that the order should be given that the detonation point should be discharged?

H0127 - 0074

A. Yes, he did do that. It was in accordance with my own principles, because when I had become head of the State I had given the order that all destruction -- and that included occupied territories as, for instance, Czechoslovakia -- should cease forthwith.

H0127-0075

Q At the end of his report, did he ask you for permission to return to his station in the Netherlands instead of remaining in Germany?

A Yes, he did so repeatedly. He tried to get back, but the travel situation was difficult, and he could not be taken back by "E" boat quickly to the Netherlands.

DR. STEINBAUER: Thank you very much.

BY SIR DAVID MAXWELL-FYFE:

Q Defendant, I want you first of all to answer some questions on your record after becoming commander in chief of the navy on the 30th of January, 1943. As commander in chief of the navy you had the equivalent rank of a minister of the Reich; is that not so?

A Yes, that is correct.

Q You had also the right to participate in meetings of the Reich cabinet, had any such meetings taken place?

A I was authorized to participate if my participation in such a meeting was ordered by the Fuehrer. That is the way it was worded. In that connection I must say that no meeting of any kind between the Reich Government and me at the time I was supreme commander, in 1943, took place at all. That is to say, this participation by order of the Fuehrer did in no way take place.

Q From the time that you became commander in chief of the navy, the government of the Reich was in a sense carried from Hitler's headquarters; isn't that so?

A That is correct.

Q It was a military dictatorship in which the dictatorship saw those people that he wanted at his military headquarters; that is right, is it not?

A You cannot say "military dictatorship." It was not a dictatorship at all. There was a military sector and a civilian sector, and the Fuehrer had both components in his hand, united.

Q I see. I will take the last part of your answer, and we will not argue about the first.

Now, you saw him on 119 days in just over two years; do you agree with that?

A Yes. But in that connection, it must be stated that beginning

H0127 - 0076

on the 30th of January 1943 -- that is to say, when I was supreme commander of the navy -- and until the end of January, 1945 -- that is to say approximately two years -- the number was, I think, 57. The larger figure arises out of the fact that at the last months of the war I was preparing the midday briefing, which took place at the Forst Street in Berlin.

Q I want to ask you about certain of these. At a number of these meetings, the defendant Speer was present, was he not?

A I cannot remember that he was present in person during those briefings. Actually Minister Speer as a civilian had nothing to do with the military situation. But it is possible that he was there on some occasions when production questions were concerned. But those were matters which were directly connected with military considerations of the Fuehrer.

Q That was exactly what I was going to put to you, that the occasions when the Defendant Speer were present were when you were going into matters of supply; that is , supply for the various services, including supply for the navy.

A Supply questions of the Navy were never discussed in connection with these military situation discussions. I discussed those with the Fuehrer alone, as I said. I discussed them with him personally, usually in the presence of Jodl and Keitel. And I put the matters before the Fuehrer there after I had previously clarified the position with Minister Speer.

When I became supreme commander of the navy, I handed over the entire armament question of the navy to him. That, in general, was the position.

Q But, like the head of every service, you would have had to learn about priorities and the allocation of materials and labor. You would want to know how labor was going to be allocated during the next period, would you not?

A I tried to bring it about that by a decision of the Fuehrer Mr. Speer would be given the order that as many U-boats as possible should be built with the modern improvements I was putting in at the time. But I was trying to draw the line where the distribution of supplies was very unfortunate as far as I was concerned.

H0127-0077

Q And, therefore, you would be very interested in discovering the figure of manpower for labor for naval supplies, and for the other supplies, to see that you were getting your fair share, would you not?

A I am most awfully sorry, but I cannot give you an answer to that. I never knew it, and I do not know it today; that is to say, how many workers Speer was using for the armament supply to the navy. And I do not even know whether Minister Speer can give you the answer, because construction of submarines, for instance, was taking place all over the German Reich and was being carried out by industry. Parts were assembled in the shipyards, and therefore I do not know what the capacity of output for the navy was.

Q Do you remember describing Speer as the man who holds the production of Europe in his hand? That was on the 17th of December, 1943. I shall put the document to you in a little time. But do you remember describing him as that?

A Yes; I know that quite well.

Q And don't you know quite well also that Speer was getting his labor from foreign labor brought into the Reich?

A I knew, of course, that foreign workers were in Germany, just as I knew, as a matter of course, that I as supreme commander of the navy, would not bother about finding out how these workers were recruited. That was none of my business.

Q Didn't Gauleiter Sauckel tell you on the occasion of this trip that he had got 5,000,000 foreign workers into the Reich, of whom only 200,000 had come voluntarily?

A I did not have a single conflict with Gauleiter Sauckel. I did not talk about questions referring to workers with a single person in this world.

Q Now, defendant, you were head of a service department in the fifth and sixth years of the war. Wasn't Germany, like every other country, searching around to scrape the bottom of the barrel for labor for all its requirements? Weren't you in urgent need of labor, like every other country in the war?

H0127 - 0078

A I should think yes. I think we needed workers.

Q Are you telling the Tribunal that you did not know after these conferences with Hitler and with Speer that you were getting this labor by forcing foreign labor to come into the Reich and be used?

A During the conferences with Hitler and Speer, the system of obtaining these workers was never mentioned at all. The method was not of any interest. During those conferences, no labor questions were discussed in any way. It was interesting to me only to know how many submarines were being constructed for me; that is to say, considering the number of boats which were being constructed, what was the capacity which I could expect.

Q You tell the Tribunal you discussed that with Speer and he never told you where he was getting his labor? Is that your answer on this point?

A Yes, that is my answer; and it is true.

Q Do you remember just before we passed from the industrial side of it that at certain meetings the representatives for coal and transport and Gauleiter Kaufmann, the Reichskommissar for Shipping, were present at meetings which you had with the Fuehrer?

A No.

Q You may take it from me that they are listed as being present at these meetings.

Were you dealing with general problems of shipping and transport?

A Never. As far as sea transport is concerned, that is true. I was thinking of matters referring to the shore. I have already stated that at the end of the war I had the greatest interest in the tonnage of merchant vessels. That tonnage which was not under my jurisdiction but under Gauleiter Kaufmann's, the Reichskommissar for naval matters, was needed by me; so that military transport from Norway and from the East and to the East, and refugee transport could be carried out as a military matter. So at meetings and discussions which were dealing with the naval transport situation, I of course participated.

Q Let us take another subject of these 119 days. At 39 of these, the Defendant Keitel was also present at the headquarters, and at about the

H0127-0079

same number, the defendant Jodl.

A I am sorry; I did not understand the date.

Q I will give it again. At 39 of these meetings between January, 1943, and April, 1945, the defendant Keitel was present, and at about the same number, the defendant Jodl. Now, is it right that you discussed or listened to the discussion in their presence of the general strategical position?

H0127-0080

A May I saythat the word meeting doesn't quite describe the matter.

Q Well now, you choose the word; you give us the word.

A Very well. As I described it, there were large-scale military reports and briefings, and of course I listened in; I listened whenthe situation of the navy was referred to. That I explained before.

Q I just want to get it quite clear that over these two years you had everyopportunity of using and appreciating the military strategical position; that is so, isn't it?

A Yes.

Q Well now, on twenty of these occasions the defendant Goering was present. The defendant Goering has put himself forward in two capacities; as commander in chief of the Luftwaffe and as a politician. What was he doing on these twenty occasions?

A Reichsmarshal Goering was there as supreme commander of the air forces when the military situation was discussed.

Q And so from the defendant Goering you would have a full knowledge and appreciation of the air situation and the position of the Luftwaffe during this period?

A As far as it was possible, considering my only occasional participation during these briefings where only excerpts were being given and never a general picture being drawn. That is as far as I can make up my mind, and that was the reason whyI never concerned myself with the military matters outside of the Navy. I can onlymake up my mind in part.

Q Let me ask you just one further question on this point. Following up what Dr. Laternser asked, on the 29th of June of 1944, apart from Keitel and Jodl and Goering, these defendants, Marshal von Runstedt and Marshal Rommel were also present; and may I remind you that that was three weeks after the allies had invaded in the West. You were being given the opportunity, were you not, of getting the appreciation of the strategical position after the allied invasion of Normandy; isn't that so?

A Yes, I certainly had an impression regarding the situation in Normandy right after the opponents had set foot on shore. I was in a position to report to the Fuehrer which of my small vessels could be used to attack in that sector.

Q Now, let us change to another aspect of the government in general. On a number of occasions the Reich Fuehrer SS Himmler was present at these

H0127 - 0081

conferences -- shall I call them -- isn't that so?

A Yes. The Reich Fuehrer SS Himmler was there, and as far as I remember that happened once or twice. Then he was there because of his Waffen SS.

Q You may take it from me that he is shown as being there on at least seven occasions, and that Fegelein, who was his representative at the Fuehrer's headquarters, is shown as being present on five occasions. What did Himmler discuss about the Waffen SS, the doings of the Totenkopf division?

A That can't be right. Fegelein was always present during these briefings, always permanently, because he was a member of the Staff, and he was a permanent representative. If the Reich Fuehrer was present during these discussions, he only reported on the Waffen SS, and only with reference to those divisions of the Waffen SS which were being used somewhere under the Army. Just how these individual divisions were being called is something I don't know; I don't think they were called the Totenkopf or Death Head Division.

Q That was because they were being largely occupied in concentration camps, and you say that Himmler never mentioned that?

A That Death Head divisions were used in concentration camps is something I learned herein Nurnberg, but it wasn't mentioned there in the discussions. I have already said that during the military discussions only military matters were being discussed.

H0127-0082

Q Now, the defendant Kaltenbrunner is only reported as being present once, on the 26th of February, 1945, when there was quite a considerable gathering of SS notabilities. What were you discussing with him then?

A It is not correct that Kaltenbrunner was there only once. As far as I remember, he was there two, three, or four times; at any rate, during the last month of the war, I saw him two, three, or four times during the briefing. However, Kaltenbrunner never said a word, so far as I remember, he just listened.

Q What I want you to tell the Tribunal is: What was the subject of conversation when you had not only the defendant Kaltenbrunner there, but you had the SS Obergruppenfuehrer Steiner, your own Captain in attendance, and Lieutenant-General Winter. What were these gentlemen there for, and what were you hearing from them?

A Who is that captain and who is the general?

Q Captain von Assmann; I took it he was the captain in attendance on you, though I may have been wrong -- Captain Serge von Assmann. Then there was Lieutenant-General Winter, SS Obergruppenfuehrer Steiner, and SS Obergruppenfuehrer Kaltenbrunner.

What were you discussing on the 26th of February 1945?

A There is one thing I must tell you on that point. First of all, Captain Assmann was present during all these meetings.

Q Just a moment. You can tell us something afterwards, but first of all listen to my question. What were you discussing with these people from the SS on the 26th of February, 1945?

A I can't remember that now. I do remember, however, that Steiner received the order that the Army Group in Pommerania should be making the putsch to the North, and that they should be relieved from Berlin. I think Steiner was present when this question was discussed, but it did not concern me.

Q Now I just want you to think, before I leave this point.

You have agreed with me that at a number of meetings, a large number, there were present Keitel and Jodl, at not quite so many Goering, who would give you the army and air situation in Germany; there was present the

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defendant Speer, who would give you the production program; there was present Himmler, or his representative Fegelein, who would give you the security position; and you yourself were present, who would give the naval position. At all meetings there was present the Fuehrer, who would take the decisions.

I put it to you, defendant, that you were taking as full a part in the government of Germany during these years as anyone, apart from Adolf Hitler himself.

A In my opinion that description is not correct. During these briefings neither Speer nor anybody else supplied a complete survey of their sphere of activities. On the contrary, only the acute questions of the day were being discussed. The last 24 hours were discussed, and what should be done.

You say that there was a committee which could submit a general picture. That was quite out of the question; that is not at all how it was. The only one who had a complete picture of the situation was the Fuehrer. During these discussions and briefings the period of the last 24 hours, I should like to say, was almost always discussed, and the measures which were to be adopted in connection with it. That is the fact.

Therefore, you cannot say that any one of the participants had a general picture. Every one of them clearly understood his own sphere for which he was responsible, but a total picture in the mind of any of the participants is out of the question. You can't say that, because only the Fuehrer had that.

Q Well, I won't argue with you but I suppose, defendant, that you say -- as we have heard from so many other defendants -- that you knew nothing about the slave labor program, you knew nothing about the extermination of the Jews, and you knew nothing about any of the bad conditions in concentration camps. I suppose you are going to tell us you knew nothing about them at all, are you?

A That is natural, after it has been heard here how all these things were kept secret, and when one has become aware of the fact that everyone in the war was pursuing his own tasks with the maximum of energy.

H0127-0084

I will give you an example. The conditions in concentration camps --

Q I just want your answer for the moment, and you have given it to me I want you to come to a point which was well within your own knowledge, and that is the order for the shooting of commandos, which was issued by the Fuehrer on the 18th of October, 1942. You have told us that you got it when you were Flag Officer, U-boats. Now, do you remember the document by which the naval warfare staff distributed it? Do you remember that it said this?

"This order must not be distributed in writing by flotilla leaders, section commanders, or officers of this rank. After verbal distribution to subordinate sections, the above authorities must have this order over to the next highest authority, or next highest section which is responsible for its confiscation and destruction."

Do you remember that?

A Yes, I read that again when I saw the order here. But, on the other hand, it also says in that order that the measure had already been communicated to the armed forces department.

Q What I want to know from you is: Why was there this tremendous secrecy about this order in the naval distribution?

A I did not understand that question. I don't know whether tremendous secrecy was being observed at all. I am of the opinion that in 1942 all naval departments had been informed about it; that is, those which were informed.

Q This is on the 28th of October, ten days after the order was issued. I am not going to quarrel with you about adjectives, defendant. Let me put it this way: Why did the naval distribution require that degree of secrecy?

A I don't know. I didn't make up the distribution chart. I just received it when I was at the front, and I don't know how it was made up.

Q Within three months you were Commander-in-Chief of the Navy. Did you never make any inquiries then?

A Please?

Q Did you never make any inquiries?

A No, I did not. I have told you that I saw the order when I was

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Flag Officer, U-boats, and that as far as my sphere of influence was concerned the order was not affecting me in the least.

Secondly, these people captured during naval battles were excepted; so, as far as that goes, there was no actual effectiveness so far as that order was concerned.

In my own case, considering the enormous number of things that I had to deal with when I became Supreme Commander of the Navy, it was quite natural that it did not occur to me that I should take up the matter of that order. I didn't think of the order at all.

H0127 – 0086

Q I am go ng to put to you when the time comes a memorandum from the Naval Staff showing that was put before you. Don't you remember that?

A I think that a note of the files was put before me.

Q What I want to ask you before the Tribunal adjourns is: Did you approve of this order or did you not?

A I have already told you.

Q No, you haven't. I want you to tell the Tribunal now, and you can answer it either "I approved" or "I did not approve." Did you or did you not approve of this order to your Commanders?

A I did not agree to that order after I learned that the basis was not sound.

Q Did you agree with it when you were commander in Chief of the German Navy at the beginning of 1943? Did you approve of it then?

A As Supreme Commander of the Navy, as I explained to you, I considered the order a reprisal order and it was not up to me now to start investigating or justifying this order, to take it up with the department who issued the order to find out whether the basis was correct or not. And it is quite clear from the order that the order was based on the conviction -- murdering of prisoners was mentioned and it was stated that we would even have to take reprisals.

Whether these reprisals were necessary or whether they were fully justified by the conditions, that is something I do not know.

Q This is the last question. I want you to try and answer it with a straight answer if you can. At the beginning of 1943 did you or did you not approve of this order?

A I cannot give you an answer because at the beginning of 1943 I did notthink of the order, I was not confronting myself with it. So I cannot say how that order affected me at that particular time. I can only tell you how it affected me when I received it as Commander of Submarines; and I can also tell you today that I dislike the order, now that I learn that the basis on which it was put was not sound. And I further tell you that I personally would not tolerate any type of reprisals during naval warfare actions, and I refuse any proposals of that kind.

Q I will ask you some more questions tomorrow, as the time has come

(The Tribunal adjourned until May 10, 1946 at 1000 hours)